

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 372

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO ELECTIONS; APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR TRUSTEE AND BENEFIT PAYMENTS IN FISCAL YEAR 2010 AND CREATING THE CONSOLIDATED ELECTIONS FUND; AMENDING SECTION 21-805, IDAHO CODE, TO PROVIDE DUTIES OF THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS IN AN ELECTION TO ESTABLISH A REGIONAL AIRPORT AUTHORITY, TO PROVIDE ELECTION DATES, TO PROVIDE FOR CANVASSING OF VOTES BY THE COUNTY BOARD OF CANVASSERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 21-806, IDAHO CODE, TO PROVIDE FOR AN ELECTION OF A BOARD OF TRUSTEES OF A REGIONAL AIRPORT AUTHORITY; AMENDING SECTION 22-2721, IDAHO CODE, TO PROVIDE THAT THE COUNTY CLERK SHALL BE THE ELECTION OFFICIAL AND SHALL CONDUCT ALL ELECTIONS OF A SOIL CONSERVATION DISTRICT, TO PROVIDE FOR PAYMENT OF ELECTION EXPENSES BY THE COUNTY THAT CONDUCTS THE ELECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-2725, IDAHO CODE, TO PROVIDE THAT THE COUNTY CLERK SHALL SUPERVISE AN ELECTION TO DISCONTINUE A SOIL CONSERVATION DISTRICT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-4301, IDAHO CODE, TO PROVIDE FOR ELECTIONS OF A WEATHER MODIFICATION DISTRICT TO BE CONDUCTED BY THE COUNTY CLERK ON SPECIFIED DATES AND TO PROVIDE FOUR YEAR TERMS FOR BOARD MEMBERS; AMENDING SECTION 23-917, IDAHO CODE, TO PROVIDE THAT A LOCAL OPTION REFERENDUM ELECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 34, IDAHO CODE, AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 23-918, IDAHO CODE, TO PROVIDE THAT THE COUNTY CLERK MUST FURNISH ELECTION BALLOTS AND TO PROVIDE THAT THE ELECTOR MUST INDICATE THE ELECTOR'S CHOICE ON THE BALLOT; AMENDING SECTION 23-919, IDAHO CODE, TO PROVIDE THAT THE COUNTY BOARD OF CANVASSERS SHALL CERTIFY ELECTION RESULTS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 27-107, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF A CEMETERY MAINTENANCE DISTRICT SHALL BE CONDUCTED IN ACCORDANCE WITH CHAPTERS 12 AND 14, TITLE 34, IDAHO CODE, AND TO PROVIDE DUTIES OF THE COUNTY CLERK; AMENDING SECTION 27-111, IDAHO CODE, TO PROVIDE THAT ELECTIONS FOR CEMETERY MAINTENANCE DISTRICT COMMISSIONERS SHALL BE CONDUCTED BY THE COUNTY CLERK, TO PROVIDE FOR TRANSITION OF TERMS FROM EVEN-NUMBERED YEARS TO ODD-NUMBERED YEARS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-402, IDAHO CODE, TO PROVIDE THE DATE THAT AN ELECTION TO CONSOLIDATE COUNTIES SHALL BE HELD; AMENDING SECTION 31-403, IDAHO CODE, TO PROVIDE THAT THE CONTENT OF A

PETITION TO HOLD AN ELECTION TO CONSOLIDATE COUNTIES SHALL INDICATE A CERTAIN DATE; AMENDING SECTION 31-407, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK IN AN ELECTION TO CONSOLIDATE COUNTIES AND TO PROVIDE FOR APPLICATION OF LAW; AMENDING SECTION 31-408, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK FOR PREPARATION AND FORM OF BALLOTS; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-809A, IDAHO CODE, TO PROVIDE FOR THE CREATION OF A COUNTY ELECTION FUND IN EACH COUNTY AND TO PROVIDE FOR WHAT MONEYS IN THE FUND MAY BE USED; AMENDING SECTION 31-1406, IDAHO CODE, TO REVISE PROCEDURES FOR ELECTION OF DIRECTORS IN A FIRE PROTECTION DISTRICT; AMENDING SECTION 31-1410, IDAHO CODE, TO PROVIDE FOR ELECTION OF FIRE PROTECTION DISTRICT COMMISSIONERS IN ODD-NUMBERED YEARS, TO PROVIDE FOR TRANSITION OF TERMS TO ELECTIONS IN ODD-NUMBERED YEARS, TO PROVIDE DUTIES OF THE COUNTY CLERK AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-4306, IDAHO CODE, TO REVISE PROCEDURES FOR ELECTION OF RECREATION DISTRICT DIRECTORS; AMENDING SECTION 31-4323, IDAHO CODE, TO PROVIDE THAT RECREATION DISTRICT ELECTIONS ARE CONDUCTED IN ACCORDANCE WITH TITLE 34, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-4325, IDAHO CODE, TO PROVIDE THAT ELECTIONS FOR PROPOSED INDEBTEDNESS OF A RECREATION DISTRICT SHALL BE CONDUCTED BY THE COUNTY CLERK; AMENDING SECTION 31-4510, IDAHO CODE, TO PROVIDE THAT THE ELECTION SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH TITLE 34, IDAHO CODE; AMENDING SECTION 31-4701, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK IN COUNTY MUSEUM BOARD ELECTIONS IN ACCORDANCE WITH TITLE 34, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-308, IDAHO CODE, TO PROVIDE THE DATES THAT SCHOOL DISTRICT ELECTIONS TO EXCISE AND ANNEX TERRITORY SHALL BE HELD AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-311, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE HOW CONSOLIDATED ELECTIONS ARE CONDUCTED; AMENDING SECTION 33-312, IDAHO CODE, TO PROVIDE THAT AN ELECTION TO DIVIDE A SCHOOL DISTRICT SHALL BE HELD ON PROVIDED DATES AND CONDUCTED ACCORDING TO TITLE 34, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-313, IDAHO CODE, TO REQUIRE SUBMISSION TO THE COUNTY CLERK OF CERTAIN INFORMATION UPON APPROVAL BY THE STATE BOARD OF EDUCATION TO CHANGE TRUSTEE ZONES, TO DELETE REFERENCE TO THE LENGTH OF TERM OF OFFICE FOR MEMBERS OF A SCHOOL BOARD OF TRUSTEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-317, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF COOPERATIVE SERVICE AGENCIES SHALL BE HELD ON SPECIFIED DATES AND CONDUCTED PURSUANT TO SECTION 34-106, IDAHO CODE; AMENDING SECTION 33-351, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO CREATE SCHOOL SUBDISTRICTS SHALL

BE HELD ON SPECIFIED DATES AND CONDUCTED PURSUANT TO SECTION  
 34-106, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO  
 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-354, IDAHO  
 CODE, TO REVISE HOW SCHOOL BOND ELECTIONS ARE CONDUCTED, TO  
 MAKE TECHNICAL CORRECTIONS AND TO PROVIDE CORRECT CODE REFER-  
 ENCES; AMENDING SECTION 33-401, IDAHO CODE, TO REVISE LEGISLATIVE  
 INTENT REGARDING SCHOOL ELECTIONS; AMENDING SECTION 33-402,  
 IDAHO CODE, TO REVISE NOTICE REQUIREMENTS REGARDING SCHOOL  
 ELECTIONS; REPEALING SECTIONS 33-403, 33-403A, 33-403B AND 33-403C,  
 IDAHO CODE, RELATING TO CONDUCTING SCHOOL ELECTIONS; AMENDING  
 SECTION 33-404, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES  
 AND TO DELETE OBSOLETE LANGUAGE; AMENDING SECTION 33-405, IDAHO  
 CODE, TO DELETE OBSOLETE LANGUAGE; REPEALING SECTIONS 33-405A,  
 33-405B, 33-406, 33-406A, 33-407, 33-408, 33-409, 33-410, 33-411, 33-412, 33-413,  
 33-414, 33-415, 33-416, 33-417, 33-418, 33-419, 33-420, 33-421, 33-422, 33-423,  
 33-424, 33-428, 33-429, 33-430, 33-431, 33-432, 33-433, 33-434, 33-435, 33-436,  
 33-437, 33-438, 33-439, 33-440, 33-441 AND 33-442, IDAHO CODE, RELATING TO  
 SCHOOL DISTRICT ELECTIONS AS CONDUCTED BY THE SCHOOL DISTRICT;  
 AMENDING SECTION 33-501, IDAHO CODE, TO INCREASE THE TERMS OF  
 SCHOOL DISTRICT BOARDS OF TRUSTEE MEMBERS FROM THREE YEARS  
 TO FOUR YEARS EFFECTIVE AT TIMES AS PROVIDED; REPEALING SECTIONS  
 33-502A, 33-502C AND 33-502D, IDAHO CODE, RELATING TO CANDIDATES FOR  
 SCHOOL DISTRICT BOARDS OF TRUSTEES; AMENDING SECTION 33-502B,  
 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE  
 PROCEDURES; AMENDING SECTION 33-503, IDAHO CODE, TO PROVIDE FOR  
 ELECTION OF SCHOOL DISTRICT BOARDS OF TRUSTEES IN ODD-NUMBERED  
 YEARS ON THE THIRD TUESDAY IN MAY IN ACCORDANCE WITH THE  
 PROVISIONS OF CHAPTER 14, TITLE 34, IDAHO CODE; AMENDING CHAPTER  
 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-503A,  
 IDAHO CODE, TO PROVIDE FOR THE TRANSITION OF SCHOOL TRUSTEE  
 TERMS FROM THREE YEARS TO FOUR YEARS; AMENDING SECTION 33-504,  
 IDAHO CODE, TO PROVIDE FOR APPOINTMENT TO FILL A VACANCY ON  
 A SCHOOL DISTRICT BOARD OF TRUSTEES AND TO MAKE A TECHNICAL  
 CORRECTION; AMENDING SECTION 33-505, IDAHO CODE, TO PROVIDE FOR  
 APPOINTMENT OR SELECTION OF A SCHOOL DISTRICT BOARD OF TRUSTEES  
 IN A NEWLY CREATED SCHOOL DISTRICT, TO PROVIDE FOR TERMS OF FOUR  
 YEARS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
 33-601, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING  
 SECTION 33-802, IDAHO CODE, TO PROVIDE THAT CERTAIN SCHOOL LEVY  
 ELECTIONS ARE HELD ON DATES AUTHORIZED IN SECTION 34-106, IDAHO  
 CODE; AMENDING SECTION 33-803, IDAHO CODE, TO PROVIDE THAT A TAX  
 LEVY ELECTION FOR EDUCATION OF CHILDREN OF MIGRATORY FARM  
 WORKERS IS CONDUCTED AS PROVIDED IN TITLE 34, IDAHO CODE, AND  
 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-804, IDAHO  
 CODE, TO PROVIDE THAT A SCHOOL PLANT FACILITIES RESERVE FUND  
 LEVY IS HELD ON A DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE,

1 AND IS CONDUCTED AS PROVIDED IN TITLE 34, IDAHO CODE; AMENDING  
2 SECTIONS 33-1103 AND 33-1510, IDAHO CODE, TO PROVIDE CORRECT CODE  
3 REFERENCES; AMENDING SECTION 33-2106, IDAHO CODE, TO PROVIDE THAT  
4 ELECTIONS OF TRUSTEES OF COMMUNITY COLLEGE DISTRICTS SHALL BE  
5 HELD IN ODD-NUMBERED YEARS, TO DELETE OBSOLETE LANGUAGE AND  
6 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2111, IDAHO  
7 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION  
8 33-2715, IDAHO CODE, TO PROVIDE THAT LIBRARY DISTRICT BOARDS OF  
9 TRUSTEES SHALL BE ELECTED IN ODD-NUMBERED YEARS FOR TERMS OF  
10 SIX YEARS, TO PROVIDE FOR INITIAL APPOINTMENTS OF BOARD MEMBERS,  
11 TO PROVIDE FOR TRANSITION OF BOARD MEMBER TERMS TO TERMS OF  
12 SIX YEARS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
13 33-2716, IDAHO CODE, TO DELETE REFERENCE TO ANNUAL ELECTIONS;  
14 AMENDING SECTION 33-2718, IDAHO CODE, TO PROVIDE THAT TRUSTEE  
15 ELECTIONS SHALL BE HELD IN ODD-NUMBERED YEARS, TO PROVIDE  
16 FOR TRANSITION OF BOARD MEMBER TERMS TO TERMS OF SIX YEARS  
17 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-106,  
18 IDAHO CODE, TO PROVIDE FOR TWO ELECTIONS IN A CALENDAR YEAR ON  
19 SPECIFIED DATES, TO PROVIDE THAT COMMUNITY COLLEGE AND SCHOOL  
20 DISTRICT ELECTIONS ARE SUBJECT TO THE LIMITATION ON DATES OF  
21 ELECTIONS, TO ALLOW SCHOOL DISTRICTS AN ADDITIONAL TWO DATES  
22 EACH YEAR ON WHICH ELECTIONS MAY BE HELD, TO REQUIRE BOND,  
23 LEVY AND OTHER BALLOT QUESTION ELECTIONS TO BE HELD WITHIN A  
24 TIME CERTAIN UNLESS OTHERWISE PROVIDED BY LAW, TO PROVIDE FOR  
25 RECALL ELECTIONS, TO PROVIDE FOR IRRIGATION DISTRICT ELECTIONS  
26 ON THE FIRST TUESDAY IN FEBRUARY OF EACH YEAR AND ON THE FIRST  
27 TUESDAY IN AUGUST OF EACH YEAR ON QUESTIONS REQUIRED TO BE  
28 VOTED UPON BY TITLE 43, IDAHO CODE AND TO MAKE TECHNICAL COR-  
29 RECTIONS; AMENDING SECTION 34-304, IDAHO CODE, TO REVISE THE LAW  
30 RELATING TO CHALLENGERS AND WATCHERS; AMENDING SECTION 34-601,  
31 IDAHO CODE, TO MAKE DATE CHANGES; AMENDING SECTION 34-602, IDAHO  
32 CODE, TO PROVIDE SPECIFICATIONS REGARDING A PUBLISHED SECOND  
33 NOTICE OF ELECTION; AMENDING SECTION 34-1401, IDAHO CODE, TO  
34 PROVIDE THAT THE COUNTY CLERK SHALL ADMINISTER ALL ELECTIONS  
35 ON BEHALF OF ANY POLITICAL SUBDIVISION, TO SPECIFY POLITICAL  
36 SUBDIVISIONS EXEMPT FROM THE PROVISIONS OF THIS SECTION AND TO  
37 PROVIDE THAT SCHOOL DISTRICT AND HIGHWAY DISTRICT ELECTIONS  
38 SHALL BE CONDUCTED BY THE COUNTY CLERK; AMENDING SECTION  
39 34-1404, IDAHO CODE, TO REVISE DECLARATION OF CANDIDACY PROVI-  
40 SIONS; AMENDING SECTION 34-1405, IDAHO CODE, TO REVISE NOTICE OF  
41 ELECTION FILING DEADLINE PROVISIONS AND TO MAKE A TECHNICAL  
42 CORRECTION; AMENDING SECTION 34-1406, IDAHO CODE, TO PROVIDE  
43 SPECIFICATIONS FOR PUBLISHED NOTICES OF ELECTION BY THE COUNTY  
44 CLERK; AMENDING CHAPTER 14, TITLE 34, IDAHO CODE, BY THE ADDITION  
45 OF A NEW SECTION 34-1411, IDAHO CODE, TO PROVIDE FOR PAYMENT  
46 OF ELECTION EXPENSES BY A COUNTY, WITH EXCEPTIONS; AMENDING

SECTION 34-2301, IDAHO CODE, TO PROVIDE FOR RECOUNT OF BALLOTS FOR MUNICIPAL OFFICES; AMENDING SECTION 39-1324, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF HOSPITAL DISTRICTS SHALL BE CONDUCTED PURSUANT TO TITLE 34, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY BOARD OF COMMISSIONERS AND COUNTY CLERK AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-1325A, IDAHO CODE, TO REVISE DUTIES OF THE COUNTY CLERK AND COUNTY COMMISSIONERS, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-1330, IDAHO CODE, TO PROVIDE FOR BIENNIAL ELECTION OF HOSPITAL DISTRICT BOARD MEMBERS IN MAY, TO PROVIDE DUTIES OF THE COUNTY CLERK AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-1339, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF PROPOSED INDEBTEDNESS TO BE INCURRED BY A HOSPITAL DISTRICT SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH THE PROVISIONS OF TITLE 34, IDAHO CODE; AMENDING SECTION 39-1340, IDAHO CODE, TO PROVIDE A DUTY OF THE COUNTY CLERK WITH REGARD TO NOTICES OF HOSPITAL DISTRICT ELECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-1341, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK AND COUNTY COMMISSIONERS IN CONDUCTING HOSPITAL DISTRICT ELECTIONS FOR PROPOSED INDEBTEDNESS IN ACCORDANCE WITH TITLE 34, IDAHO CODE; AMENDING SECTION 40-206, IDAHO CODE, TO REVISE REQUIREMENTS FOR PUBLICATION OF NOTICE; AMENDING SECTION 40-819, IDAHO CODE, TO REVISE HIGHWAY DISTRICT ELECTIONS TO BE CONDUCTED IN ACCORDANCE WITH TITLE 34, IDAHO CODE, TO PROVIDE DUTIES OF THE HIGHWAY DISTRICT COMMISSIONERS AND THE COUNTY CLERK AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-1101, IDAHO CODE, TO PROVIDE THAT HIGHWAY DISTRICT ELECTIONS TO AUTHORIZE BONDING SHALL BE CONDUCTED BY THE COUNTY CLERK AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 40-1304, IDAHO CODE, TO PROVIDE THE DATE ON WHICH HIGHWAY DISTRICT COMMISSIONERS SHALL TAKE OFFICE; AMENDING SECTION 40-1305, IDAHO CODE, TO PROVIDE FOR ELECTION OF HIGHWAY DISTRICT COMMISSIONERS ON THE THIRD TUESDAY OF MAY IN ODD-NUMBERED YEARS, TO DELETE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 40-1305A, IDAHO CODE, TO PROVIDE FOR THE ADMINISTRATION OF HIGHWAY DISTRICT ELECTIONS BY THE COUNTY CLERK AND TO PROVIDE FOR SELECTION OF POLLING PLACES BY THE COUNTY COMMISSIONERS; REPEALING SECTION 40-1402, IDAHO CODE, RELATING TO THE COSTS OF HOLDING SPECIAL ELECTIONS; AMENDING SECTION 40-1409, IDAHO CODE, TO PROVIDE THAT ELECTIONS SHALL BE PAID BY THE COUNTY WITHOUT PROVISION FOR PRORATING THE EXPENSE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 40-1416, IDAHO CODE, TO PROVIDE THAT COSTS OF ELECTIONS HELD TO APPROVE A HIGHWAY DISTRICT VEHICLE REGISTRATION FEE SHALL BE PAID BY THE COUNTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-1418, IDAHO CODE, TO PROVIDE A CORRECT CODE

1 REFERENCE; AMENDING SECTION 40-1506, IDAHO CODE, TO PROVIDE FOR  
2 APPOINTMENT OF ELECTION JUDGES BY THE COUNTY CLERK; AMENDING  
3 SECTION 40-1507, IDAHO CODE, TO CLARIFY PROCEDURE FOR NOTICE OF  
4 ELECTION BY THE COUNTY CLERK AND TO PROVIDE CORRECT TERMINOL-  
5 OGY; AMENDING SECTION 40-1508, IDAHO CODE, TO CLARIFY PROCEDURE  
6 FOR HOLDING ELECTIONS OF CONSOLIDATION OF HIGHWAY DISTRICTS;  
7 AMENDING SECTION 40-1511, IDAHO CODE, TO CLARIFY PROCEDURE FOR  
8 COUNTING THE VOTES IN AN ELECTION OF CONSOLIDATION OF HIGHWAY  
9 DISTRICTS; AMENDING SECTION 40-1519, IDAHO CODE, TO PROVIDE THAT  
10 THE EXPENSES OF CONDUCTING AN ELECTION TO CONSOLIDATE HIGHWAY  
11 DISTRICTS SHALL BE PAID BY THE COUNTY WITHOUT PROVISION FOR  
12 PRORATING THE EXPENSE; AMENDING SECTION 40-1605, IDAHO CODE,  
13 TO REQUIRE THAT ELECTIONS BE HELD ON A DATE AUTHORIZED IN  
14 SECTION 34-106, IDAHO CODE; AMENDING SECTION 40-1606, IDAHO CODE,  
15 TO PROVIDE DUTIES OF THE COUNTY CLERK IN ELECTIONS TO DETACH  
16 TERRITORY OF A HIGHWAY DISTRICT; AMENDING SECTION 40-1607, IDAHO  
17 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTIONS  
18 40-1624 AND 40-1625, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO ANNEX  
19 CONTIGUOUS TERRITORY OF A HIGHWAY DISTRICT SHALL BE HELD ON A  
20 DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE; AMENDING SECTION  
21 40-1626, IDAHO CODE, TO PROVIDE THAT ELECTION DATES TO ANNEX  
22 TERRITORY OF A HIGHWAY DISTRICT SHALL BE HELD ON A DATE AUTHO-  
23 RIZED IN SECTION 34-106, IDAHO CODE; AMENDING SECTION 40-1630, IDAHO  
24 CODE, TO PROVIDE THAT COSTS OF THE ELECTION SHALL BE PAID BY THE  
25 COUNTY OR COUNTIES CONDUCTING THE ELECTION; AMENDING SECTION  
26 40-1702, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK AND  
27 THE COUNTY BOARD OF CANVASSERS IN ELECTIONS TO REORGANIZE A  
28 COUNTY HIGHWAY DISTRICT AND TO PROVIDE A CORRECT CODE REFER-  
29 ENCE; AMENDING SECTION 40-1714, IDAHO CODE, TO PROVIDE THAT THE  
30 EXPENSE OF ELECTIONS HELD TO REORGANIZE A COUNTY HIGHWAY DIS-  
31 TRICT SHALL BE PAID BY THE COUNTY; AMENDING SECTION 40-1805, IDAHO  
32 CODE, TO PROVIDE THAT AN ELECTION TO DISSOLVE A HIGHWAY DISTRICT  
33 SHALL BE HELD ON A DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE;  
34 AMENDING SECTION 40-1806, IDAHO CODE, TO PROVIDE DUTIES OF THE  
35 COUNTY CLERK AND THE COUNTY COMMISSIONERS IN ELECTIONS HELD  
36 TO DISSOLVE A HIGHWAY DISTRICT; AMENDING SECTION 40-1808, IDAHO  
37 CODE, TO PROVIDE THAT IN ELECTIONS TO DISSOLVE A HIGHWAY DISTRICT  
38 THE COUNTY CLERK SHALL APPOINT ELECTION JUDGES AND CLERKS AND  
39 THAT ELECTIONS SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 34,  
40 IDAHO CODE; AMENDING SECTION 40-1809, IDAHO CODE, TO PROVIDE FOR  
41 COUNTING AND CANVASSING VOTES IN ELECTIONS TO DISSOLVE A HIGH-  
42 WAY DISTRICT; AMENDING SECTION 40-1810, IDAHO CODE, TO PROVIDE  
43 THAT EXPENSES OF ELECTIONS TO DISSOLVE A HIGHWAY DISTRICT SHALL  
44 BE BORNE BY THE COUNTY; AMENDING SECTION 42-3211, IDAHO CODE,  
45 TO PROVIDE THE DATE OF ELECTIONS IN WATER AND SEWER DISTRICTS  
46 AND TO PROVIDE DUTIES OF THE COUNTY CLERK; REPEALING SECTION

50-211, IDAHO CODE, RELATING TO SUPERVISION OF MUNICIPAL ELECTIONS;  
AMENDING SECTION 50-402, IDAHO CODE, TO REVISE DEFINITIONS AND  
TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-403, IDAHO  
CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK REGARDING MUNICI-  
PAL ELECTIONS; REPEALING SECTIONS 50-404, 50-405, 50-406, 50-407, 50-408,  
50-409, 50-410, 50-411 AND 50-412, IDAHO CODE, RELATING TO MUNICIPAL  
ELECTIONS AS CONDUCTED BY THE CITY CLERK; AMENDING SECTION  
50-414, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE REGIS-  
TRATION PROVISIONS AND TO PROVIDE A CORRECT CODE REFERENCE;  
REPEALING SECTIONS 50-415, 50-427 AND 50-428, IDAHO CODE, RELATING  
TO MUNICIPAL ELECTIONS; AMENDING SECTION 50-429, IDAHO CODE, TO  
REDESIGNATE THE SECTION, TO PROVIDE AUTHORIZED DATES FOR MUNICI-  
PAL ELECTIONS BEGINNING JANUARY 1, 2011, TO PROVIDE THAT ELECTIONS  
SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH  
TITLE 34, IDAHO CODE, AND TO PROVIDE CORRECT CODE REFERENCES;  
AMENDING SECTIONS 50-430 AND 50-431, IDAHO CODE, TO REDESIGNATE  
THE SECTIONS; AMENDING SECTION 50-432, IDAHO CODE, TO REDESIGNATE  
THE SECTION AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING  
SECTION 50-435, IDAHO CODE, TO REDESIGNATE THE SECTION; REPEALING  
SECTIONS 50-436, 50-437, 50-438, 50-439, 50-440, 50-441, 50-442, 50-443, 50-445,  
50-446, 50-447, 50-448, 50-449, 50-450, 50-451, 50-452, 50-453, 50-454, 50-455,  
50-456, 50-457, 50-458, 50-459, 50-460, 50-461, 50-462, 50-463, 50-464, 50-465  
AND 50-466, IDAHO CODE, RELATING TO MUNICIPAL ELECTIONS AS CON-  
DUCTED BY THE CITY CLERK; AMENDING SECTION 50-467, IDAHO CODE,  
TO REDESIGNATE THE SECTION, TO REVISE PROCEDURES AND TO MAKE  
A TECHNICAL CORRECTION; AMENDING SECTION 50-468, IDAHO CODE,  
TO REDESIGNATE THE SECTION; AMENDING SECTIONS 50-469 AND 50-470,  
IDAHO CODE, TO REDESIGNATE THE SECTIONS; AMENDING SECTION 50-471,  
IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT  
TERMINOLOGY; AMENDING SECTION 50-472, IDAHO CODE, TO REDESIGNATE  
THE SECTION; AMENDING SECTION 50-473, IDAHO CODE, TO REDESIGNATE  
THE SECTION; REPEALING SECTION 50-474, IDAHO CODE, RELATING TO  
VOTING BY MACHINE OR VOTE TALLY SYSTEM IN MUNICIPAL ELECTIONS;  
AMENDING SECTION 50-475, IDAHO CODE, TO REDESIGNATE THE SECTION  
AND TO PROVIDE FOR APPLICATION OF ELECTION LAW VIOLATIONS TO  
ALL MUNICIPAL ELECTIONS; AMENDING SECTION 50-477, IDAHO CODE, TO  
REDESIGNATE THE SECTION; AMENDING SECTION 50-612, IDAHO CODE,  
TO PROVIDE THAT RUNOFF MUNICIPAL MAYORAL ELECTIONS SHALL BE  
CONDUCTED BY THE COUNTY CLERK AND TO PROVIDE CORRECT CODE  
REFERENCES; AMENDING SECTION 50-707B, IDAHO CODE, TO PROVIDE THAT  
RUNOFF MUNICIPAL COUNCIL SEAT ELECTIONS SHALL BE CONDUCTED  
BY THE COUNTY CLERK AND TO PROVIDE CORRECT CODE REFERENCES;  
AMENDING SECTION 50-803, IDAHO CODE, TO PROVIDE AUTHORIZED DATES  
FOR HOLDING A MUNICIPAL ELECTION TO ADOPT THE COUNCIL-MANAGER  
PLAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
50-806, IDAHO CODE, TO PROVIDE THAT CERTAIN ELECTIONS SHALL BE

1 HELD AT THE SAME ELECTION, TO PROVIDE PROCEDURE UPON FAILURE  
2 OF A PROPOSITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
3 SECTION 50-1026, IDAHO CODE, TO PROVIDE THAT MUNICIPAL ELECTIONS  
4 TO AUTHORIZE ISSUANCE OF COUPON BONDS SHALL BE CONDUCTED BY  
5 THE COUNTY CLERK ON AUTHORIZED DATES AND TO MAKE A TECHNICAL  
6 CORRECTION; AMENDING SECTION 50-1035, IDAHO CODE, TO PROVIDE  
7 DUTIES OF THE COUNTY CLERK IN CERTAIN MUNICIPAL ELECTIONS AND  
8 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2104, IDAHO  
9 CODE, TO PROVIDE THAT ELECTIONS TO CONSOLIDATE CITIES SHALL  
10 BE HELD ON A DATE AUTHORIZED IN SECTION 50-405, IDAHO CODE;  
11 AMENDING SECTION 50-2105, IDAHO CODE, TO REVISE PROVISIONS FOR  
12 CONSOLIDATION ELECTIONS; AMENDING SECTION 50-2106, IDAHO CODE, TO  
13 PROVIDE FOR CERTIFICATION OF A MUNICIPAL CONSOLIDATION ELECTION  
14 BY THE COUNTY CLERK; AMENDING SECTION 50-2107, IDAHO CODE, TO  
15 PROVIDE THAT ELECTIONS OF OFFICERS IN A NEWLY CONSOLIDATED CITY  
16 SHALL BE HELD ON A DATE AUTHORIZED IN SECTION 50-405, IDAHO CODE;  
17 AMENDING SECTION 50-2114, IDAHO CODE, TO PROVIDE THAT EXPENSES  
18 OF A MUNICIPAL CONSOLIDATION ELECTION SHALL BE PAID BY THE  
19 COUNTY; AMENDING SECTION 50-2201, IDAHO CODE, TO MAKE TECHNICAL  
20 CORRECTIONS; AMENDING SECTION 50-2202, IDAHO CODE, TO REVISE  
21 PROCEDURES; AMENDING SECTION 50-2203, IDAHO CODE, TO PROVIDE  
22 FOR CANVASS OF VOTES IN ELECTIONS TO DISINCORPORATE A CITY;  
23 AMENDING SECTION 50-2204, IDAHO CODE, TO PROVIDE A DUTY OF THE  
24 COUNTY BOARD OF COMMISSIONERS IN AN ELECTION TO DISINCORPORATE  
25 A CITY; AMENDING SECTION 50-2302, IDAHO CODE, TO PROVIDE THAT AN  
26 ELECTION TO ORGANIZE A CITY SHALL BE HELD ON A DATE AUTHORIZED  
27 IN SECTION 50-405, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS;  
28 AMENDING SECTION 50-2303, IDAHO CODE, TO PROVIDE DUTIES OF THE  
29 COUNTY CLERK IN AN ELECTION TO ORGANIZE A CITY AND TO MAKE  
30 TECHNICAL CORRECTIONS; AMENDING SECTION 50-2308, IDAHO CODE, TO  
31 MAKE TECHNICAL CORRECTIONS AND TO DELETE OBSOLETE LANGUAGE;  
32 AMENDING SECTION 63-316, IDAHO CODE, TO PROVIDE CORRECT CODE  
33 REFERENCES; AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE  
34 CORRECT CODE REFERENCES; AMENDING SECTION 63-802C, IDAHO CODE,  
35 TO PROVIDE THAT ELECTIONS TO CREATE A NEW TAXING DISTRICT SHALL  
36 BE HELD ON A DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE,  
37 AND TO PROVIDE FOR POSTING OF A BOND TO COVER COSTS OF THE  
38 ELECTION; AMENDING SECTION 63-1309, IDAHO CODE, TO PROVIDE THAT  
39 THE INTERVAL BETWEEN CERTAIN TYPES OF ELECTIONS IN WHICH THE  
40 QUESTION FIRST FAILED AND A SUBSEQUENT ELECTION ON THE SAME OR  
41 SIMILAR QUESTION SHALL BE FIVE MONTHS INSTEAD OF SIX MONTHS, TO  
42 PROVIDE THAT THE DATE OF SUCH ELECTION SHALL BE HELD ON A DATE  
43 AUTHORIZED IN SECTION 34-106, IDAHO CODE, AND TO MAKE TECHNICAL  
44 CORRECTIONS; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE  
45 MONETARY DISTRIBUTIONS TO COUNTIES FROM SALES TAX REVENUES TO  
46 DEFRAY EXPENSES OF COUNTIES IN CONDUCTING ELECTIONS, TO REQUIRE



COUNTIES TO ESTABLISH A SPECIAL ELECTION FUND, TO SPECIFY USE OF REVENUES IN THE FUND, TO REVISE REVENUE SHARING PERCENTAGES GOING TO CITIES AND COUNTIES AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 63-3641, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 63-4103, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY COMMISSIONERS AND THE COUNTY CLERK IN ELECTIONS TO DISSOLVE A SPECIAL DISTRICT AND TO DELETE CODE REFERENCES; AMENDING SECTION 67-4907, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK AND THE COUNTY BOARD OF CANVASSERS IN AUDITORIUM DISTRICT ELECTIONS; AMENDING SECTION 67-4911, IDAHO CODE, TO PROVIDE THAT THE BIENNIAL ELECTIONS OF AN AUDITORIUM DISTRICT SHALL BE HELD IN ODD-NUMBERED YEARS, TO PROVIDE DUTIES OF THE COUNTY CLERK AND THE BOARD OF COUNTY COMMISSIONERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-4922, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF AUDITORIUM DISTRICTS SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH THE PROVISIONS OF TITLE 34, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 67-4923, IDAHO CODE, TO PROVIDE THAT NOTICE OF AN AUDITORIUM DISTRICT ELECTION TO AUTHORIZE A LEVY SHALL BE CONDUCTED AS PRESCRIBED IN CHAPTER 14, TITLE 34, IDAHO CODE, AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 67-4924, IDAHO CODE, TO PROVIDE FOR CONDUCTING THE ELECTION AND CANVASSING THE RETURNS OF AN AUDITORIUM DISTRICT ELECTION; AMENDING SECTION 67-4929, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO INCLUDE OR EXCLUDE PROPERTY WITHIN AN AUDITORIUM DISTRICT SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH TITLE 34, IDAHO CODE, TO PROVIDE FOR CANVASS OF VOTES, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-4930, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO DISSOLVE AN AUDITORIUM DISTRICT SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH TITLE 34, IDAHO CODE, TO PROVIDE FOR CANVASS OF VOTES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 70-1210, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF PORT DISTRICTS SHALL BE CONDUCTED BY THE COUNTY CLERK AND TO DELETE OBSOLETE PROVISIONS; AMENDING SECTION 70-1215, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF PORT DISTRICTS SHALL BE CONDUCTED BY THE COUNTY CLERK; AMENDING SECTION 70-1217, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY COMMISSIONERS AND THE COUNTY CLERK IN ELECTIONS OF PORT DISTRICTS; AMENDING SECTION 70-1219, IDAHO CODE, TO PROVIDE FOR CANVASS OF VOTES IN ELECTIONS OF PORT DISTRICTS; AMENDING SECTION 70-1220, IDAHO CODE, TO PROVIDE FOR PAYMENT OF EXPENSES IN PORT DISTRICT ELECTIONS; PROVIDING SEVERABILITY; PROVIDING EFFECTIVE DATES AND PROVIDING FOR REPORTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. In addition to the appropriation provided for by law, there is hereby appropriated to the Secretary of State for trustee and benefit payments the sum of \$1,500,000 from the Budget Stabilization Fund for the period July 1, 2009, through June 30, 2010, which shall be placed in the Consolidated Elections Fund. The Secretary of State shall reimburse counties for the cost of voting equipment for complying with this act from the Consolidated Elections Fund which is created in the State Treasury. For purposes of this section, "voting equipment" is defined as mechanical, electromechanical, or electronic equipment, including software, that is used to define ballots, cast and count votes, report or display election results, or produce audit trail information. Each county may apply to the Secretary of State for reimbursement of its actual costs incurred in acquiring voting equipment with the maximum amount reimbursed being the greater of one dollar (\$1.00) per person in the count according to the latest decennial census or ten thousand dollars (\$10,000). Moneys may be expended pursuant to appropriation or by the Secretary of State. The Consolidated Elections Fund shall cease to exist and shall be null and void on January 1, 2016, at which time any amounts remaining in the fund will revert to the General Fund.

SECTION 2. That Section 21-805, Idaho Code, be, and the same is hereby amended to read as follows:

21-805. REGIONAL AIRPORT AUTHORITY -- ESTABLISHMENT BY ELECTION. A regional airport authority may be established by the vote of the electors of such region, voting at an election called and held as provided in chapter 14, title 34, Idaho Code, with special provisions as provided in this chapter:

(a) A petition signed by not less than five percent (5%) of the electors from each ~~voting precinct~~ county in the region, describing the degree of percentage of financial participation of each such county in the district and the proposed location of the regional airport, and praying for the organization of the region as a regional airport authority, together with a true copy thereof, shall be filed with the Idaho transportation department. Prior to filing such petition each clerk of the board of county commissioners of the counties in the region shall verify the validity of the signatures within the county.

(b) Upon approval of the petition, the Idaho transportation department shall advise the boards of county commissioners of the counties in the region of the date of the election, which shall occur in May of even-numbered years, and each such board shall enter an order that an election be held for the purpose of voting on the question of the creation of such regional airport authority. Notice of election ~~must be posted, notice~~ shall be published, the election shall be conducted and the returns thereof canvassed as required in ~~chapter 14~~, title 34, Idaho Code. Provided, however, as a condition of voting in such election, an elector shall meet the qualifications prescribed in section 34-402, Idaho Code, and in addition shall be a resident of the proposed regional airport authority. The ballot shall contain the words "Regional Airport Authority--Yes" and "Regional Airport Authority--No," each followed by a box in which the voter may express his choice by marking ~~a cross~~ "X the ballot." The ~~board of county commissioners~~ clerk of each county shall conduct such election and the county board of canvassers shall canvass the returns thereof as though it were the only county in which such election were being held. The returns of the election so canvassed shall be certified promptly to the Idaho transportation department and if a majority of all of the votes cast in three (3) or more contiguous counties be in the affirmative, then the Idaho transportation department shall enter an order

1 declaring such regional airport authority established within the limits of those counties that did  
 2 vote in the affirmative, and shall certify such fact to the board of county commissioners of each  
 3 county in the region in which an affirmative vote was cast. Counties which voted in the nega-  
 4 tive shall be excluded from the regional airport authority and shall be so notified by the Idaho  
 5 transportation department. The cost of providing such election shall be paid by the respective  
 6 boards of county commissioners, from ~~any~~ funds available to such county. Provided, however,  
 7 if the interim board of trustees is convinced that it would be impracticable for the three (3)  
 8 contiguous counties to establish a regional airport authority, and so certifies to the Idaho trans-  
 9 portation department and the board of county commissioners of those counties that did vote in  
 10 the affirmative, the election shall be null and void and the authority shall not be created.

11 SECTION 3. That Section 21-806, Idaho Code, be, and the same is hereby amended to  
 12 read as follows:

13 21-806. ELECTION OF BOARD OF TRUSTEES. At the next succeeding primary  
 14 election following the creation of any such regional airport authority, the electors of each of  
 15 the legislative districts within the participating counties within such region shall elect, on a  
 16 nonpartisan basis, a member of the authority's permanent board of trustees, hereinafter referred  
 17 to as the board, except that in the northern and north central regions, one (1) additional board  
 18 member shall be elected from each such region at large. At the first such election, members  
 19 elected from even-numbered legislative districts, together with the member elected at large  
 20 from the northern region and the member elected at large from the north central region, shall be  
 21 elected for four (4) year terms of office, and members elected from odd-numbered legislative  
 22 districts shall be elected for two (2) year terms of office. Thereafter all such members shall be  
 23 elected for four (4) year terms of office, and shall serve until their successors are elected and  
 24 qualified. The term of office of members so elected shall commence on December 1 of the  
 25 year in which they were elected.

26 Notice of the election and the conduct thereof shall be as prescribed in chapter 14, title  
 27 34, Idaho Code. As a condition of voting, an elector shall meet the qualifications prescribed in  
 28 section 34-402, Idaho Code, and in addition shall be a resident of the regional airport authority.

29 In any election for member of the board, if after the deadline for filing a declaration of in-  
 30 tent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated  
 31 for that office, it shall not be necessary for the candidate to stand for election and the board  
 32 shall declare such candidate elected as a member of the board and the secretary of the district  
 33 shall immediately make and deliver to such person a certificate of election.

34 The person receiving the largest number of votes shall be declared elected. If it be nec-  
 35 essary to resolve a tie between two (2) or more persons, the interim board or the permanent  
 36 board, as the case may be, shall determine by lot which thereof shall be declared elected. The  
 37 clerk of the board shall promptly notify any person by mail of his election, enclosing a form of  
 38 oath to be subscribed by him as herein provided.

39 ~~When elections held pursuant to this section shall coincide with other elections held by~~  
 40 ~~the state of Idaho or any subdivision thereof, or any municipality or school district, the board of~~  
 41 ~~trustees may make agreement with the body holding such election for joint boards of election~~  
 42 ~~and the payment of fees and expenses of such boards of election on such proportionate basis as~~  
 43 ~~may be agreed upon~~ subject to the provisions of sections 34-106 and 34-1401, Idaho Code.

1 Elections of board members shall, after the first such election, be held every other year  
 2 in even-numbered years, and shall be held on such uniform day consistent with the provisions  
 3 of section 34-106, Idaho Code, as the board shall determine. Vacancies on the board shall be  
 4 filled by appointment of remaining members, for the expiration of such term of office. The  
 5 board members shall take and subscribe the oath of office required in the case of state officers  
 6 and said oath shall be filed with the secretary of state. Members shall be reimbursed for actual  
 7 and necessary expenses incurred in the performance of their official duties.

8 SECTION 4. That Section 22-2721, Idaho Code, be, and the same is hereby amended to  
 9 read as follows:

10 22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SU-  
 11 PERVISORS. The governing body of the district shall consist of five (5) supervisors, elected or  
 12 appointed as provided in this chapter. Elections shall be conducted pursuant to the provisions  
 13 of this section and the uniform district election law, chapter 14, title 34, Idaho Code. If at  
 14 any time the supervisors of a district deem it necessary, they may request permission from the  
 15 state soil conservation commission to increase the number of supervisors to seven (7). Upon  
 16 receipt of such a request in writing, signed by all five (5) supervisors, stating a valid reason  
 17 for such need, the commission shall grant permission. The additional supervisors shall then be  
 18 appointed as outlined in ~~subparagraph~~ subsection C. of this section until such time as regular  
 19 district elections for two (2) supervisors in each district. At that time those districts having  
 20 seven (7) supervisors shall then elect four (4) supervisors for four (4) year terms. The two (2)  
 21 supervisors appointed by the commission shall be persons who are by training and experience  
 22 qualified to perform the specialized services which will be required of them in the performance  
 23 of their duties. All supervisors shall be landowners or farmers of the district where they are  
 24 elected or appointed.

25 A. Within thirty (30) days after the date of issuance by the secretary of state of a certifi-  
 26 cate of organization of a soil conservation district, nominating petitions may be filed with the  
 27 state soil conservation commission to nominate candidates for supervisors of each district. ~~The~~  
 28 ~~soil conservation commission, unless it has contracted with~~ The county clerk to shall conduct  
 29 ~~the election, shall designate an individual to act as~~ for the district and shall be the election of-  
 30 ~~ficial for the district. If contracted to do so, the county clerk shall act as the election official.~~  
 31 The election official shall have authority to extend the time within which nominating petitions  
 32 may be filed. No such nominating petition shall be accepted by the election official unless it  
 33 shall be subscribed by not less than five (5) persons who are qualified electors owning land or  
 34 residing within the boundaries of the district. The election official shall give due notice of an  
 35 election to be held, subject to the provisions of section 34-106, Idaho Code, for the election  
 36 of three (3) supervisors for the district. The names of all nominees on behalf of whom such  
 37 nominating petitions have been filed within the time herein designated, shall appear ~~arranged~~  
 38 ~~in the alphabetical order of the surnames, upon ballots, with a square before each name and~~  
 39 ~~directions to insert a mark in the square before any~~ with directions to choose three (3) names to  
 40 indicate the voter's preference. The three (3) candidates who shall receive the largest number,  
 41 respectively, of the votes cast in such election shall be the elected supervisors for such district.  
 42 The commission shall pay all the expenses of such election, which shall be supervised and con-  
 43 ducted by the election official.

1 B. All elections in districts, ~~excluding the first election as provided in subparagraph A.~~  
 2 ~~of this section, shall be conducted by the district supervisors of the districts involved who shall~~  
 3 ~~designate an individual to be the election official, or the county clerk if contracted for that pur-~~  
 4 ~~pose.~~ Such election shall be held on the first Tuesday succeeding the first Monday of Novem-  
 5 ber in each even-numbered year. Such elections shall be in compliance with the provisions of  
 6 chapter 14, title 34, Idaho Code, and shall be supervised and conducted by the ~~election official~~  
 7 county clerk. The cost of conducting such elections shall be borne by the ~~district involved~~  
 8 county that conducted the election. The ~~election official~~ county clerk shall certify to the state  
 9 soil conservation commission the names of the elected supervisors. The state soil conservation  
 10 commission shall issue certificates of election to each elected supervisor so certified. ~~The state~~  
 11 ~~soil conservation commission may authorize each district to contract with~~ The county clerk or  
 12 county clerks of the county or counties in which the district is located ~~to~~ shall conduct the elec-  
 13 tion for the soil conservation district. ~~If a district election is conducted by a county clerk, and~~  
 14 the county clerk must provide a ballot for the district election, and must provide a process that  
 15 allows only qualified electors of the district to vote in that district's election.

16 In any election for supervisor, if after the deadline for filing a declaration of intent as a  
 17 write-in candidate, it appears that the number of qualified candidates who have been nominated  
 18 is equal to the number of supervisors to be elected, it shall not be necessary for the candidates  
 19 to stand for election, and the board of supervisors shall declare such candidates elected as su-  
 20 pervisors, and the state soil conservation commission shall immediately make and deliver to  
 21 such persons certificates of election.

22 C. In any election for supervisors of a soil conservation district, if after the expiration of  
 23 the date for filing written nominations it appears that only one (1) qualified candidate has been  
 24 nominated for each position to be filled and no declaration of intent has been filed by a write-in  
 25 candidate as provided in ~~subparagraph~~ subsection D. of this section, it shall not be necessary to  
 26 hold an election, and the ~~election official~~ county clerk shall, no later than seven (7) days before  
 27 the scheduled date of the election, declare such candidate elected as supervisor, and the state  
 28 soil conservation commission shall immediately make and deliver to such person a certificate of  
 29 election.

30 D. No write-in vote for supervisor shall be counted unless a declaration of intent has  
 31 been filed with the ~~election official~~ county clerk indicating that the person making the declara-  
 32 tion desires the office and is legally qualified to assume the duties of supervisor if elected as a  
 33 write-in candidate. The declaration of intent shall be filed not later than twenty-five (25) days  
 34 before the day of election.

35 E. The supervisors shall designate a chairman and may, from time to time, change such  
 36 designation. The term of office of each supervisor shall be four (4) years commencing on the  
 37 first day of January next following election, except that the two (2) supervisors who are first  
 38 appointed shall be designated to serve for terms of two (2) years. A supervisor shall hold  
 39 office until a qualified successor has been elected or appointed. Vacancies shall be filled for the  
 40 unexpired term. The selection of successors to fill an unexpired term, or for a full term shall  
 41 be made by a vote of the majority of the supervisors duly qualified and acting at the time the  
 42 vacancy shall arise and the supervisors shall certify the name of the appointed supervisor to the  
 43 state soil conservation commission who shall issue a certificate of such appointment.

44 F. A majority of the supervisors shall constitute a quorum and the concurrence of a ma-  
 45 jority in any matter within their duties shall be required for its determination. A supervisor  
 46 shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of

1 duties. A supervisor shall receive no compensation for services from regular district funds,  
 2 county funds authorized in section 22-2726, Idaho Code, or state funds authorized in section  
 3 22-2727, Idaho Code.

4 In the event the district has a special project, approved by the state soil conservation com-  
 5 mission, making project funds available from federal or other sources, a supervisor may receive  
 6 compensation not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary ex-  
 7 penses from project funds for services directly related to the project.

8 The supervisors may employ a secretary, technical experts, and such other officers, agents,  
 9 and employees, permanent and temporary as they may require, and shall determine their quali-  
 10 fications, duties and compensation. The supervisors may call upon the attorney general of the  
 11 state for such legal services as they may require or may employ their own counsel and legal  
 12 staff. The supervisors may delegate to their chairman, to one (1) or more supervisors, or to  
 13 one (1) or more agents, or employees, such powers and duties as they may deem proper. The  
 14 supervisors shall furnish to the state soil conservation commission, upon request, copies of such  
 15 ordinances, rules, orders, contracts, forms and other documents as they shall adopt or employ,  
 16 and such other information concerning their activities as it may require in the performance of  
 17 its duties under this chapter.

18 The supervisors shall provide for the execution of surety bonds for all employees and of-  
 19 ficers who shall be entrusted with funds or property; they shall provide for the keeping of a  
 20 full and accurate record of all proceedings and of all resolutions, and orders issued or adopted;  
 21 and shall provide for independent financial audits in accordance with the provisions of sec-  
 22 tion 67-450B, Idaho Code, with the exception of the provisions of subsection (2)(d) of section  
 23 67-450B, Idaho Code. The governing body of a district whose annual budget from all sources  
 24 does not exceed fifty thousand dollars (\$50,000) may elect to have its financial statements re-  
 25 viewed on a biennial basis. Biennial reports of review shall include a review of each fiscal year  
 26 since the previous review report. Any supervisor may be removed by the state soil conserva-  
 27 tion commission upon notice and hearing, for neglect of duty or malfeasance in office, but for  
 28 no other reason.

29 The supervisors may invite the legislative body of a municipality or county located near  
 30 the territory comprised within the district to designate a representative to advise and consult  
 31 with the supervisors of the district on all questions of program and policy which may affect the  
 32 property, water supply, or other interests of such municipality or county.

33 SECTION 5. That Section 22-2725, Idaho Code, be, and the same is hereby amended to  
 34 read as follows:

35 22-2725. DISCONTINUANCE OF DISTRICTS. At any time after five (5) years after  
 36 the organization of a district under the provisions of this chapter, any twenty-five (25) owners  
 37 of land lying within the boundaries of such district may file a petition with the state soil con-  
 38 servation commission praying that the operations of the district be terminated and the existence of  
 39 the district discontinued. The commission may conduct such public meetings, and public hear-  
 40 ings upon such petition as may be necessary to assist it in the consideration thereof. Within  
 41 sixty (60) days after such petition has been received by the commission, it shall give due notice  
 42 to the county clerk of the holding of an election, subject to the provisions of section 34-106,  
 43 Idaho Code, and the county clerk shall supervise the election, and issue appropriate regulations  
 44 governing such election as are consistent with chapter 14, title 34, Idaho Code, the question to

1 be submitted by ballots upon which the words "For terminating the existence of the .... (name  
 2 of the soil conservation district to be here inserted)" shall appear, with a square before each  
 3 proposition and a direction to ~~insert an X mark in the square before one or the other of said~~  
 4 ~~propositions~~ the ballot as the voter may favor or oppose discontinuance of such district. All  
 5 qualified electors who ~~own land or~~ reside within the proposed district shall be eligible to vote in  
 6 said election. No informalities in the conduct of the election or in any matters relating thereto  
 7 shall invalidate the election or the result thereof if notice thereof shall have been given substan-  
 8 tially as herein provided and the election shall have been fairly conducted.

9 The commission shall publish the result of the election and shall thereafter consider and  
 10 determine whether the continued operation of the district within the defined boundaries is ad-  
 11 ministratively practicable and feasible. If the commission shall determine that the continued  
 12 operation of such district is administratively practicable and feasible, it shall record such deter-  
 13 mination and deny this petition. If the commission shall determine that the continued operation  
 14 of such district is not administratively practicable and feasible, it shall record such determi-  
 15 nation and shall certify such determination to the supervisors of the district. In making such  
 16 determination the commission shall give due regard and weight to the attitudes of the owners of  
 17 lands lying within the district, the number of ~~landowners~~ residents eligible to vote in the elec-  
 18 tion who shall have voted, the proportion of the votes cast in the election in favor of the dis-  
 19 continuance of the district to the total number of votes cast, the approximate wealth and income  
 20 of the landowners of the district, the probable expense of carrying on such erosion-control op-  
 21 erations within such district, and such other economic and social factors as may be relevant to  
 22 such determination, having due regard to the legislative findings set forth in section 22-2716,  
 23 Idaho Code, provided, however, that the commission shall not have authority to determine that  
 24 the continued operation of the district is administratively practicable and feasible unless at least  
 25 a majority of the votes cast in the election shall have been cast in favor of the continuance of  
 26 such district.

27 Upon receipt from the state soil conservation commission of a certificate that the com-  
 28 mission has determined that the continued operation of the district is not administratively prac-  
 29 ticable and feasible, pursuant to the provisions of this section, the supervisors shall forthwith  
 30 proceed to terminate the affairs of the district. The supervisors shall dispose of all property  
 31 belonging to the district at public auction and shall pay over the proceeds of such sale to be  
 32 covered into the state treasury. The supervisors shall thereupon file an application duly verified,  
 33 with the secretary of state for the discontinuance of such district, and shall transmit with such  
 34 application the certificate of the state soil conservation commission setting forth the determi-  
 35 nation of the commission that the continued operation of such district is not administratively  
 36 practicable and feasible. The application shall recite that the property of the district has been  
 37 disposed of and the proceeds paid over as in this section provided, and shall set forth a full  
 38 accounting of such properties and proceeds of the sale. The secretary of state shall issue to the  
 39 supervisors a certificate of dissolution and shall record such certificate in an appropriate book of  
 40 record in his office.

41 Upon issuance of a certificate of dissolution under the provisions of this section, all con-  
 42 tracts theretofore entered into, to which the district or supervisors are parties, shall remain in  
 43 force and effect for the period provided in such contracts. The state soil conservation commis-  
 44 sion shall be substituted for the district or supervisors as party to such contracts.

45 The state soil conservation commission shall not entertain petitions for the discontinuance  
 46 of any district nor conduct elections upon such petitions nor make determinations pursuant to

1 such petitions in accordance with the provisions of this chapter, more often than once in five (5)  
2 years.

3 SECTION 6. That Section 22-4301, Idaho Code, be, and the same is hereby amended to  
4 read as follows:

5 22-4301. ESTABLISHMENT -- PETITION -- ELECTION. (1) The county commis-  
6 sioners of any county shall, upon petition signed by not less than fifty (50) resident real prop-  
7 erty holders of said county, or any portion thereof, which may exclude incorporated cities,  
8 undertake the following procedure to determine the advisability of resolving to establish and  
9 maintain a weather modification district within the county as may be designated in the petition.

10 (a) A petition to form a weather modification district shall be presented to the county  
11 clerk and recorder. The petition shall be signed by not less than fifty (50) of the resident  
12 real property holders within the proposed district. The petition shall designate the bound-  
13 aries of the district.

14 (b) The petition shall be filed with the county clerk and recorder of the county in which  
15 the signers of the petition are located. Upon the filing of the petition the county clerk  
16 shall examine the petition and certify whether the required number of petitioners have  
17 signed the petition. If the number of petition signers is sufficient, the clerk shall transmit  
18 the petition to the board of county commissioners.

19 (c) Upon receipt of a duly certified petition the board of county commissioners shall give  
20 notice of an election to be held, subject to the provisions of section 34-106, Idaho Code,  
21 in such proposed district for the purpose of determining whether or not the proposed dis-  
22 trict shall be organized and to elect the first board of trustees for the district. Such notice  
23 shall include the date and hours of the election, the polling places, the maximum percent  
24 of market value for assessment purposes of taxable property within the district which the  
25 proposed district will be permitted to levy, the general purposes of the proposed district, a  
26 description of lands to be included in the proposed district, a statement that a map of the  
27 proposed district is available in the office of the board of county commissioners, and the  
28 names and terms of the members to be elected to the first board of trustees. The notice  
29 shall be published once each week for three (3) consecutive weeks prior to such election,  
30 in a newspaper of general circulation within the county.

31 (d) The election shall be held and conducted consistent with the provisions of chapter  
32 14, title 34, Idaho Code. The ~~board of county commissioners~~ clerk shall appoint ~~three (3)~~  
33 judges of election, one (1) of whom shall act as clerk for the election. At such election  
34 the electors shall vote for or against the organization of the district, and the members of  
35 the first board of trustees.

36 (e) The ~~judges of election~~ county clerk shall certify the returns of the election to the  
37 board of county commissioners. If a majority of the votes cast at said election are in  
38 favor of the organization, the board of county commissioners shall declare the district  
39 organized and give it a name by which, in all proceedings, it shall thereafter be known,  
40 and shall further designate the first board of trustees elected, and thereupon the district  
41 shall be a legal taxing district.

42 (f) On the ~~first third~~ second Tuesday of ~~February~~ May, in the ~~second~~ next odd-numbered calen-  
43 dar year after the organization of any district, and on the ~~first third~~ second Tuesday of ~~February~~



1 May every odd-numbered year thereafter, an election shall be held, which shall be known  
 2 as the annual election of the district.

3 At the ~~first annual~~ election in any district hereafter organized, ~~and each third year there~~  
 4 ~~after,~~ there shall be elected by the qualified electors of the district, ~~one two~~ (+2) members of  
 5 the board to serve for a term of ~~three four~~ (34) years; at the ~~second annual~~ next odd-numbered  
 6 year election ~~and each third year thereafter,~~ there shall be elected one (1) member of the board  
 7 to serve for a term of ~~three four~~ (34) years, ~~and at the third annual election, and each third year~~  
 8 ~~thereafter, there shall be elected one (1) member of the board to serve for a term of three (3)~~  
 9 ~~years.~~

10 Not later than the sixth Friday before any such election, nominations may be filed with  
 11 the secretary of the board and if a nominee does not withdraw his name before the first publica-  
 12 tion of the notice of election, his name shall be placed on the ballot. The ~~board shall provide~~  
 13 ~~for holding~~ county clerk shall conduct such election, ~~and shall appoint judges, to conduct it.~~  
 14 ~~The secretary of the district shall give notice of election by publication, and shall arrange such~~  
 15 ~~other details in connection therewith as the board may direct.~~ The returns of the election shall  
 16 be certified to and shall be canvassed and declared by the board. The candidate or candidates  
 17 receiving the most votes shall be elected.

18 In any election for trustees, if after the deadline for filing a declaration of intent as a  
 19 write-in candidate, it appears that only one (1) qualified candidate has been nominated for a  
 20 trustee position, it shall not be necessary for the candidate to stand for election, and the board  
 21 of trustees of the district shall declare such candidate elected as trustee, and the secretary of the  
 22 district shall immediately make and deliver to such person a certificate of election.

23 SECTION 7. That Section 23-917, Idaho Code, be, and the same is hereby amended to  
 24 read as follows:

25 23-917. REFERENDUM -- LOCAL OPTION. No license shall be issued hereunder un-  
 26 til on or after July 1, 1947. Within sixty (60) days after the effective date of this ~~act~~ chapter  
 27 a petition in writing signed by not less than twenty percent (20%) of the registered, qualified  
 28 electors of any city ~~or village~~ may be filed with the clerk of said city ~~or village~~ as their protest  
 29 against the issuance of any license in said city ~~or village~~ under the provisions of this ~~act~~ chap-  
 30 ter. In the event said petition is presented, the governing body of any such city ~~or village~~ shall,  
 31 within five (5) days after the presentation of said petition, meet and determine the sufficiency  
 32 thereof by ascertaining whether said petition is signed by the required number of registered,  
 33 qualified electors of the city ~~or village~~ affected. In the event the governing body of said city ~~or~~  
 34 ~~village~~ determines that said petition is signed by the required percentage of registered, qualified  
 35 electors, said city governing body shall forthwith make an order calling an election to be held  
 36 within said city ~~or village~~, subject to the provisions of section 34-106, Idaho Code, in ~~the man-~~  
 37 ~~ner provided by law for holding elections for city or village officers.~~ All the laws of the state  
 38 of Idaho relating to the holding of elections of city or village officers for such city or village,  
 39 whether special charter or general law of the state, accordance with the provisions of title 34,  
 40 Idaho Code, which shall apply to the holding of the election provided for in this section, except  
 41 where specifically modified herein. In addition to the other requirements of law, the notice of  
 42 election shall notify the electors of the issue to be voted upon at said election.

43 SECTION 8. That Section 23-918, Idaho Code, be, and the same is hereby amended to  
 44 read as follows:

1        23-918. FORM OF BALLOT. The ~~city or village~~ county clerk must furnish the ballots  
2 to be used in such election, which ballots must contain the following words:

3        "Sale of liquor by the drink, Yes,"

4        "Sale of liquor by the drink, No,"

5        and the elector in order to vote must ~~mark an "X"~~ indicate the elector's choice opposite one (1)  
6 of the questions in a space provided therefor.

7        SECTION 9. That Section 23-919, Idaho Code, be, and the same is hereby amended to  
8 read as follows:

9        23-919. EFFECT OF ELECTION -- LIQUOR STORE SALES NOT AF-  
10 FECTED. Upon a canvass of the votes cast, the ~~clerk of the city~~ county board of  
11 canvassers shall certify the result ~~thereof~~ to the city who shall report the results to the director.  
12 If a majority of the votes cast are "Sale of liquor by the drink, Yes," licenses shall be issued  
13 in said city as in this ~~act~~ chapter provided. If a majority of the votes cast are "Sale of liquor  
14 by the drink, No," then no licenses shall be issued in said city unless thereafter authorized  
15 by a subsequent election in said city; provided, however, that nothing herein contained shall  
16 be construed to prevent or prohibit the sale of liquor at or by a state liquor store or state  
17 distributor.

18        SECTION 10. That Section 27-107, Idaho Code, be, and the same is hereby amended to  
19 read as follows:

20        27-107. ELECTION -- QUALIFICATION OF ELECTORS -- CANVASS. Such election  
21 shall be conducted in accordance with ~~the general laws of the state~~ chapter 12 and chapter  
22 14, title 34, Idaho Code. The board of county commissioners shall establish as many election  
23 precincts within such proposed cemetery maintenance district as may be necessary, and define  
24 the boundaries thereof, ~~which said precincts may thereafter be changed by the cemetery mainte-~~  
25 ~~nance board of such district in case such district be organized. Said board of~~ The county com-  
26 missioners clerk shall ~~also~~ appoint ~~three (3)~~ three (3) judges of election ~~for each such election precinct,~~  
27 who shall perform the ~~same~~ duties as judges of election under the general laws provisions of  
28 the state title 34, Idaho Code; and the result of such election shall be certified, and canvassed  
29 and declared by the board of county commissioners.

30        SECTION 11. That Section 27-111, Idaho Code, be, and the same is hereby amended to  
31 read as follows:

32        27-111. ELECTION OF COMMISSIONERS. (1) On the first Tuesday following the  
33 first Monday in November and every ~~alternate~~ odd-numbered year thereafter, three (3) cemetery  
34 maintenance district commissioners shall be elected by the electors of each cemetery district as  
35 defined in section 27-104, Idaho Code. For commissioners whose offices expire in 2012 and in  
36 any even-numbered year, such commissioners shall remain in office until the next election in an  
37 odd-numbered year. The ~~board of cemetery maintenance commissioners~~ county clerk shall con-  
38 duct the election in a manner consistent with statutory provisions of chapter 14, title 34, Idaho  
39 Code. Of the commissioners comprising the board at any one (1) time, not more than one (1)  
40 shall be an elector of the same cemetery maintenance commissioners subdistrict. A commis-  
41 sioner shall be an elector of the subdistrict which he represents at the time of his declaration

of candidacy and during his term of office. A qualified elector of the cemetery maintenance district shall be eligible to vote for each of the cemetery maintenance district commissioners. At the first election following the formation of a cemetery maintenance district, commissioners from cemetery maintenance subdistricts one (1) and two (2) shall be elected for terms of four (4) years, and the commissioner from cemetery maintenance subdistrict three (3) shall be elected for a term of two (2) years; thereafter the term of office of all commissioners shall be four (4) years. All elections held under this law, shall be held in conformity with the general laws of the state, including chapter 14, title 34, Idaho Code.

(2) In any election for cemetery maintenance district commissioners, if, after the expiration of the date for filing a declaration of intent as a write-in candidate for the office of commissioner, it appears that only one (1) qualified candidate has been nominated for each position to be filled, it shall not be necessary to hold an election, and the board of commissioners shall declare such candidate elected as commissioner, and the secretary shall immediately make and deliver to such person a certificate of election signed by him bearing the seal of the district. The procedure set forth in this subsection shall not apply to any other cemetery maintenance district election.

SECTION 12. That Section 31-402, Idaho Code, be, and the same is hereby amended to read as follows:

31-402. TIME FOR HOLDING ELECTIONS TO CONSOLIDATE COUNTIES. All elections for the consolidation of counties shall be held ~~on the first Tuesday in August in the year~~ at the November general elections ~~are held~~.

SECTION 13. That Section 31-403, Idaho Code, be, and the same is hereby amended to read as follows:

31-403. PETITION FOR CONSOLIDATION. Not less than ninety (90) days nor more than six (6) months prior to the date specified in section 31-402, Idaho Code, a petition may be circulated in any county praying for the consolidation of such county with another county. Such petition shall be entitled in the district court of the former county, and shall be in substantially the following form:

"The undersigned qualified electors of .... County, State of Idaho, hereby petition the court ~~or judge~~ thereof to order an election to be held on the first Tuesday ~~in August next hereafter~~ following the first Monday of November in an even-numbered year to determine whether said .... County shall be consolidated with .... County (naming the county with which it is desired to consolidate), under the provisions of the law applicable to such elections."

Such petition may consist of any number of copies required for convenient and rapid circulation and the various copies shall be considered as one (1) petition. If said petition, within the time limits hereinbefore fixed, is signed by a number of qualified electors of the county which it is proposed to consolidate, equal in number to two-thirds (2/3) of all votes cast therein at the last general election, such petition shall thereupon, and not later than eighty (80) days prior to said ~~first Tuesday in August~~ election date, be filed with the clerk of the district court of such county. Such petition shall be deemed a proposal to consolidate said county with the county named therein.

SECTION 14. That Section 31-407, Idaho Code, be, and the same is hereby amended to read as follows:

31-407. PROVISION FOR HOLDING ELECTION -- NOTICE THEREOF TO BE GIVEN. If the court ~~or judge~~ shall order an election, copies of such order, certified by the clerk, shall at once be filed with the county ~~auditor~~ clerk of the county which it is proposed to consolidate, and also with the county ~~auditor~~ clerk of the county with which the consolidation is proposed. The county ~~auditor~~ clerk of each of said counties shall cause a notice of the holding of said election to be published in a newspaper published in ~~his~~ each county designating the consolidation proposal to be voted on, the date of the election, the hours during which the polls will be open, and ~~stating that the election will be held at the regular~~ polling places in each precinct. ~~Such~~ The first publication of such notice shall be published at least once a week for two (2) successive weeks. Where published in a weekly newspaper, two (2) successive insertions of such notice shall be sufficient. Where published in a daily newspaper, at least seven (7) days shall elapse between the first and last date of publication made not less than twelve (12) days prior to the election and the last publication of notice shall be made not less than five (5) days prior to the election. Such publication shall be completed not less than thirty (30) days before such election. The county ~~auditor~~ clerk in each county shall likewise, not less than thirty (30) days before such election, cause a copy of such notice to be posted in a conspicuous place in each precinct in ~~his~~ each county and in/or near each post office situated therein. If no newspaper be published in such county, the notice given by posting as herein provided shall be sufficient. In any conflict between these election specifications and those provided in chapter 14, title 34, Idaho Code, the provisions of the latter shall prevail.

SECTION 15. Section 31-408, Idaho Code, be, and the same is hereby amended to read as follows:

31-408. PREPARATION AND FORM OF BALLOTS. It shall be the duty of the county ~~auditor~~ clerk of each of said counties to cause ballots to be printed ~~which ballots shall be three (3) inches square, or as near thereto as practicable, and on one side shall be printed the following to state:~~

"Shall .... County be consolidated with .... County?"

☐ Yes

☐ No"

The county ~~auditor~~ clerk in each county shall send the requisite number of ballots to each voting precinct in his county in a reasonable time before the election. All ballots and supplies to be used at such election, and the expenses necessarily incurred in the preparation and conduct of such election, shall be paid out of the county ~~treasury~~ election fund as in the case of general elections.

SECTION 16. That Chapter 8, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-809A, Idaho Code, and to read as follows:

31-809A. COUNTY ELECTION FUND. There is hereby created the county election fund which shall be established in each county by resolution adopted at a public meeting of the board of county commissioners. Funds received from the state or political subdivisions

for conducting elections shall be deposited into this fund. Funds also budgeted by the county to conduct the primary and general elections may be deposited or transferred into the county election fund. Funds deposited in the county election fund may be accumulated from year to year or expended on a regular basis and shall be used to pay for all costs in conducting political subdivision elections.

SECTION 17. That Section 31-1406, Idaho Code, be, and the same is hereby amended to read as follows:

31-1406. ELECTION -- QUALIFICATION OF ELECTORS -- CANVASS. Such election shall be conducted in accordance with ~~the general laws of the state, including the provisions of chapter 14,~~ title 34, Idaho Code. The board of county commissioners shall establish as many election precincts within such proposed fire protection district as may be necessary, and define the boundaries thereof; ~~which said precincts may thereafter be changed by the fire protection board of such district in case such district be organized. Each board of~~ The county ~~commissioners clerk~~ shall also appoint ~~three (3) judges of election for each such election precinct, who shall perform the same duties, as near as may be, as judges of election under the general laws of the state~~ title 34, Idaho Code; and the result of such election shall be certified, and canvassed and declared by the board of county commissioners.

SECTION 18. That Section 31-1410, Idaho Code, be, and the same is hereby amended to read as follows:

31-1410. ELECTION OF COMMISSIONERS. (1) On the first Tuesday following the first Monday of November, following the organization of a fire protection district, three (3) fire protection district commissioners shall be elected. Every odd-numbered year thereafter, one (1) commissioner shall be elected, except for the fourth year when no election of a fire commissioner shall occur unless a fire protection district has voted to increase the size of its board in accordance with section 31-1410A, Idaho Code. For commissioners whose offices expire in 2012 and in any even-numbered year, such commissioners shall remain in office until the next election in an odd-numbered year. ~~The board of fire protection commissioners county clerk~~ shall have power to make such regulations for the conduct of such election as are consistent with the statutory provisions of chapter 14, title 34, Idaho Code. ~~At their meeting next preceding such election, the board of fire protection commissioners~~ The county clerk shall divide the district into three (3) subdistricts as nearly equal in population, area and mileage as practicable, to be known as fire protection commissioners subdistricts one, two and three. Thereafter, ~~at the January meeting of the board of fire protection commissioners preceding any regularly scheduled election, such~~ the county clerk may revise subdistricts ~~may be revised by the board~~ when ~~it~~ he deems it necessary due to significant shifts in population. Provided however, of the commissioners comprising the board, not more than one (1) commissioner shall be an elector of the same fire protection commissioners subdistrict. The revision of subdistricts shall not disqualify any elected commissioner from the completion of the term for which he or she has been duly elected. At the first election following organization of a fire protection district, the commissioner from fire protection subdistrict one shall be elected to a term of one (1) year, the commissioner from subdistrict two shall be elected to a term of two (2) years, and the commissioner from fire protection subdistrict three shall be elected to a term of three (3) years; thereafter the term of office of all commissioners shall be four (4) years. Such elections and

1 all other elections held under this law, shall be held in conformity with the general laws of the  
2 state including chapter 14, title 34, Idaho Code.

3 (2) Upon the unanimous agreement of the existing board of commissioners, a fire pro-  
4 tection district whose terms and elections were established by prior law may elect to convert to  
5 the election of commissioners as provided in subsection (1) of this section. A fire district may  
6 adopt any conversion schedule reflecting the intent of the schedule provided in subsection (1)  
7 of this section, so long as one (1) commissioner is elected each year, except for the fourth year  
8 when no election shall be held. The conversion schedule shall not result in the extension of the  
9 term of office of any commissioner serving at the time of the conversion.

10 (3) In any election for fire protection district commissioner, if after the deadline for filing  
11 a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate  
12 has been nominated for a subdistrict to be filled, it shall not be necessary for the candidate  
13 of that subdistrict to stand for election, and the board of the fire protection district shall de-  
14 clare such candidate elected as commissioner, and the secretary of the district shall immediately  
15 make and deliver to such person a certificate of election.

16 The results of any election for fire protection district commissioner shall be certified ~~to~~ by  
17 the county clerk of the county or counties ~~in which~~ of the district and the results reported to the  
18 district ~~is located~~.

19 SECTION 19. That Section 31-4306, Idaho Code, be, and the same is hereby amended to  
20 read as follows:

21 31-4306. ELECTION OF DIRECTORS. (1) An election of directors shall be held in  
22 each district on the Tuesday succeeding the first Monday of November of each ~~even~~ odd-num-  
23 bered year. Such election shall be held in conformity with ~~chapter 14, title 34, Idaho Code,~~  
24 ~~and other applicable provisions of~~ title 34, Idaho Code. Before the notice of election is given,  
25 the board shall divide the district into subdivisions as nearly equal in population as possible  
26 to be designated as director's subdistrict 1, 2 and 3, or director's subdistrict 1, 2, 3, 4 and 5,  
27 depending upon the number of subdistricts in the district. Each nominating petition shall state  
28 the subdistrict for which the nominee is nominated.

29 (2) In any election for directors if, after the expiration of the date for filing written  
30 nominations for the office of director, it appears that only one (1) qualified candidate has been  
31 nominated for each position to be filled and if no declaration of intent has been filed as pro-  
32 vided in subsection (3) of this section, it shall not be necessary to hold an election, and the  
33 board of directors, shall no later than seven (7) days before the scheduled date of the election  
34 declare such candidate elected as director, and the secretary of the recreation district board shall  
35 immediately make and deliver to such person a certificate of election.

36 (3) No write-in vote for recreation district director shall be counted unless a declaration  
37 of intent has been filed indicating that the person desires the office and is legally qualified to  
38 assume the duties of recreation district director if elected. The declaration of intent shall be  
39 filed with the recreation district board secretary not later than twenty-five (25) days before the  
40 day of election.

41 SECTION 20. That Section 31-4323, Idaho Code, be, and the same is hereby amended to  
42 read as follows:

1           31-4323. CREATION OF INDEBTEDNESS FOR WORKS OR IMPROVEMENTS --  
2 ELECTION ON PROPOSED INDEBTEDNESS. Whenever the board of a recreation district  
3 shall, by resolution, determine that the interest of said district and the public interest or ne-  
4 cessity demand the acquisition, construction, installation, completion or maintenance of any  
5 purpose stated in section ~~43-4316~~ 31-4316, Idaho Code, equipment or apparatus to carry out the  
6 objects or purposes of said district requiring the creation of an indebtedness exceeding the in-  
7 come and revenue provided for the year, the board shall order the submission of the proposition  
8 of issuing such obligations or bonds or creating other indebtedness to the qualified electors, at  
9 an election held, subject to the provisions of section 34-106, Idaho Code, for that purpose. The  
10 declaration of public interest or necessity, herein required, and the provision for the holding of  
11 such election, may be included within one and the same resolution, which resolution, in addi-  
12 tion to such declaration of public interest or necessity, shall recite the objects and purposes for  
13 which the indebtedness is proposed to be incurred, the estimated cost of the works or improve-  
14 ments, as the case may be, the amount of principal of the indebtedness to be incurred therefor,  
15 and the maximum rate of interest to be paid on such indebtedness. Such resolutions shall also  
16 fix the date upon which such election shall be held, and the manner of holding the same, which  
17 shall be in accordance with the provisions of title 34, Idaho Code, and the method of voting  
18 for or against the incurring of the proposed indebtedness; such resolution shall also fix the com-  
19 ensation to be paid the officers of the election and. The county commissioners, pursuant to  
20 section 34-302, Idaho Code, shall designate the polling place or places and the county clerk  
21 shall appoint for each polling place, from the qualified electors ~~who are taxpayers of the dis-~~  
22 ~~trict, the officers~~ judges of such election, ~~consisting of three (3) judges, one (1) of whom shall~~  
23 ~~act as the clerk,~~ provided, however, that no district shall issue or have outstanding its coupon  
24 bonds in excess of two percent (2%) of market value for assessment purposes of the real estate  
25 and personal property within the said district or in excess of ten percent (10%) of market value  
26 for assessment ~~of~~ purposes of real estate and personal property within a district created pursuant  
27 to section 31-4304A, Idaho Code, according to the assessment of the year preceding any such  
28 issuance of such evidence of indebtedness for any or all of the propositions specified in this  
29 election.

30           SECTION 21. That Section 31-4325, Idaho Code, be, and the same is hereby amended to  
31 read as follows:

32           31-4325. CONDUCT OF ELECTION FOR PROPOSED INDEBTEDNESS. The ~~elec-~~  
33 ~~tion board or boards~~ county clerk shall conduct the election in a manner prescribed by law for  
34 the holding of general elections and shall take their returns to the secretary of the district at  
35 any regular or special meeting of the board held within five (5) days following the date of such  
36 election. The returns thereof shall be canvassed and the results thereof shall be declared.

37           SECTION 22. That Section 31-4510, Idaho Code, be, and the same is hereby amended to  
38 read as follows:

39           31-4510. POWERS NOT RESTRICTED -- LAW COMPLETE IN ITSELF -- ELEC-  
40 TION. Neither this chapter nor anything herein contained shall be construed as a restriction  
41 or limitation upon any powers which any county might otherwise have under any laws of this  
42 state, but shall be construed as cumulative of any such powers. No proceedings, notice or ap-  
43 proval shall be required for the issuance of any revenue bonds or any instrument as security

therefor, except that no revenue bonds shall be issued hereunder until the board shall by resolution adopted by a majority of the board determine that the interest of the county and the public interest or necessity demand the acquisition, construction, installation and equipment of pollution control facilities to be financed for or to be sold, leased or otherwise disposed of to persons, associations or corporations other than municipal corporations or other political subdivisions, whereupon the board shall order the submission of the proposition of issuing such revenue bonds for the purposes set forth in said resolution to the vote of the qualified electors of the county as defined in section 34-104, Idaho Code, at an election to be held subject to the provisions of section 34-106, Idaho Code. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the revenue bonds are proposed to be issued, the amount of principal of the revenue bonds, and the source of revenues pledged to the payment of said bonds.

Such resolution shall also fix the date upon which such election shall be held, subject to the provisions of section 34-106, Idaho Code, the manner of holding the same, which shall be in accordance with the provisions of title 34, Idaho Code, and the method of voting for or against the issuance of the revenue bonds. Such resolution shall ~~also fix the compensation to be paid the officers of the election and shall~~ designate the precincts and polling places and. The county clerk shall appoint for each polling place, from each precinct from the electors thereof, the officers of such election, ~~which officers shall consist of three (3) judges,~~ one (1) of whom shall act as clerk, who shall constitute a board of election for each polling place. The description of precincts may be made by reference to any order or orders of the board, or by reference to any previous order or resolution of the board or by detailed description of such precincts. Precincts established by the board may be consolidated for elections held hereunder. A notice of election shall be published by the county clerk once a week for two (2) consecutive weeks, the first publication shall be not less than twelve (12) days prior to the election, and the last publication of which shall be at least five (5) days prior to the date set for said election, in the newspaper of general circulation within the county in which legal notices of the county are customarily published, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

~~The respective election boards~~ county clerk shall conduct the election ~~in their respective precincts~~ in the manner prescribed by law for the holding of county elections to the extent the same shall apply ~~and shall make their returns to the board~~. The returns thereof shall be canvassed and the results thereof declared as provided in chapter 12, title 34, Idaho Code.

In the event that it shall appear from said returns that a majority of the qualified electors of the county who shall have voted on any proposition submitted hereunder at such election voted in favor of such proposition, the county shall thereupon be authorized to issue and sell such revenue bonds of the county, all for the purpose or purposes and object or objects provided for in the proposition submitted hereunder and in the resolution therefor, and in the amount so provided.

SECTION 23. That Section 31-4701, Idaho Code, be, and the same is hereby amended to read as follows:



1        31-4701. CREATION OF COUNTY MUSEUM BOARD. A county museum board may  
2 be created as follows:

3        (1) In addition to the procedures provided in subsections (2), (3) and (4) of this section,  
4 the county commissioners may adopt a resolution and incorporate in its minutes to signify that  
5 it is the intention of the board of county commissioners to create a county museum board in  
6 accordance with the provisions of this chapter. The board of county commissioners shall fix  
7 a date, not less than three (3) nor more than six (6) weeks from the date of the adoption of  
8 the resolution for a public hearing, and shall order the clerk of the board to publish notice of  
9 the hearing in one (1) or more newspapers of general circulation in the county, which notice  
10 shall include the time and place of the hearing at which the board of county commissioners  
11 will hear any person or persons interested upon the matter of whether a county museum board  
12 shall be created pursuant to this chapter. If after the hearing provided for in this section, the  
13 board of county commissioners shall then deem it for the best interests of the county that a  
14 county museum board be created, the county commissioners shall enter an order to that effect  
15 and calling an election upon the formation of the proposed county museum board as provided  
16 in this section.

17        (2) Any person or persons may file a petition for the formation of a county museum  
18 board with the clerk. The petition which may be in one (1) or more papers shall be signed by  
19 not less than ten percent (10%) of the registered voters residing within the county.

20        (3) The clerk shall, within ten (10) days after the filing of the petition, estimate the cost  
21 of advertising and holding the election provided in this section and notify in writing the person  
22 or any ~~one~~ of the persons filing the petition as to the amount of the estimate. The person or  
23 persons shall within twenty (20) days after receipt of the written notice deposit the estimated  
24 amount with the clerk in cash, or the petition shall be deemed withdrawn. If the deposit is  
25 made and the county museum board is formed, the person or persons so depositing the sum  
26 shall be reimbursed from the first moneys collected by the county museum board from the taxes  
27 authorized to be levied by this ~~act~~ chapter.

28        (4) Within thirty (30) days after the filing of the petition together with the map and  
29 the making of the cash deposit, the county commissioners shall determine whether or not they  
30 substantially comply with the requirements of this section. If the county commissioners find  
31 that there has not been substantial compliance with the requirements, the county commissioners  
32 shall enter an order to the effect specifying the particular deficiencies, dismissing the petition  
33 and refunding the cash deposit. If the county commissioners find that there has been substantial  
34 compliance with the requirements, the county commissioners shall forthwith enter an order to  
35 that effect and calling an election upon the formation of the proposed county museum board as  
36 provided in this section.

37        (5) If the county commissioners order an election as provided in this section, the election  
38 shall be conducted on the first Tuesday succeeding the first Monday of November in any year,  
39 and in accordance with the general election laws of the state, ~~except as hereinafter provided.~~  
40 The county commissioners shall establish election precincts, and the county clerk shall design  
41 and print voter's oaths, ballots and other necessary supplies, appoint election personnel and ~~by~~  
42 ~~rule and regulation~~ provide for the conduct and tally of the election. Each registered voter of  
43 the county shall be entitled to vote in the election in accordance with the provisions of title 34,  
44 Idaho Code. The county clerk shall give notice of the election which notice shall clearly state  
45 the question of whether a county museum board shall be formed and shall state the date of the  
46 election. The notice shall be published ~~once each week for three (3) successive publications~~

~~prior to the election~~ as provided in chapter 14, title 34, Idaho Code, in a newspaper published within the county.

(6) Immediately after the election, the judges at the election shall forward the ballots and results of the election to the county clerk. The county commissioners shall canvass the vote within ten (10) days after the election. If forty-five percent (45%) or more of the votes cast at the election are against the formation of the county museum board, the county commissioners shall enter an order so finding and declaring that the county museum board shall not be formed. If more than fifty-five percent (55%) of the votes cast at the election are in favor of forming the county museum board, the county commissioners shall enter an order so finding, declaring the county museum board duly organized. The county commissioners shall cause one (1) certified copy of the order to be filed in the office of the county recorder of the county and shall cause one (1) certified copy of the order to be transmitted to the governor. Immediately upon the entry of the order, the organization of the county museum board shall be complete.

(7) After the election, the validity of the proceedings hereunder shall not be affected by any defect in the petition, if any, or in the number or qualification of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the organization of the county museum board after six (6) months have expired from the date of entering the order declaring the formation of the county museum board.

SECTION 24. That Section 33-308, Idaho Code, be, and the same is hereby amended to read as follows:

33-308. EXCISION AND ANNEXATION OF TERRITORY. (1) A board of trustees of any school district including a specially chartered school district, or one-fourth (1/4) or more of the school district electors, residing in an area of not more than fifty (50) square miles within which there is no schoolhouse or facility necessary for the operation of a school district, may petition in writing proposing the annexation of the area to another and contiguous school district.

(2) Such petition shall be in duplicate, one (1) copy of which shall be presented to the board of trustees of the district from which the area is proposed to be excised, and the other to the board of trustees of the district to which the area is proposed to be annexed. The petition shall contain:

- (a) The names and addresses of the petitioners;
  - (b) A legal description of the area proposed to be excised from one district and annexed to another contiguous district;
  - (c) Maps showing the boundaries of the districts as they presently appear and as they would appear should the excision and annexation be approved;
  - (d) The names of the school districts from and to which the area is proposed to be excised, and annexed;
  - (e) A description of reasons for which the petition is being submitted; and
  - (f) An estimate of the number of children residing in the area described in the petition.
- (3) The board of trustees of each school district, no later than ten (10) days after its first regular meeting held subsequent to receipt of the petition, shall transmit the petition, with recommendations, to the state board of education.

(4) The state board of education shall approve the proposal provided:

(a) The excision and annexation is in the best interests of the children residing in the area described in the petition; and

(b) The excision of the territory, as proposed, would not leave a school district with a bonded debt in excess of the limit then prescribed by law.

If either condition is not met, the state board shall disapprove the proposal. The approval or disapproval shall be expressed in writing to the board of trustees of each school district named in the petition.

(5) If the state board of education shall approve the proposal, it shall be submitted to the school district electors residing in the area described in the petition, at an election held in the manner provided in chapter 14, title ~~33~~34, Idaho Code. Such election shall be held ~~within~~ on the date authorized in section 34-106, Idaho Code, which is nearest to sixty (60) days after the state board approves the proposal.

(6) At the election there shall be submitted to the electors having the qualifications of electors in a school district bond election and residing in the area proposed to be annexed:

(a) The question of whether the area described in the petition shall be excised from school district no. ( ) and annexed to contiguous school district no. ( ); and

(b) The question of assumption of the appropriate proportion of any bonded debt, and the interest thereon, of the proposed annexing school district.

(7) If a majority of the school district electors in the area described in the petition, voting in the election, shall vote in favor of the proposal to excise and annex the said area, and if in the area the electors voting on the question of the assumption of bonded debt and interest have approved such assumption by the proportion of votes cast as is required by section 3, article VIII, of the constitution of the state of Idaho, the proposal shall carry and be approved. Otherwise, it shall fail.

(8) If the proposal shall be approved by the electors in the manner prescribed, the state board of education shall make an appropriate order for the boundaries of the affected school districts to be altered; and the legal descriptions of the school districts shall be corrected as prescribed in section 33-307(2), Idaho Code.

SECTION 25. That Section 33-311, Idaho Code, be, and the same is hereby amended to read as follows:

33-311. PLAN OF CONSOLIDATION SUBMITTED TO ELECTORS. The state board of education may approve or disapprove any plan proposing consolidation, and if it approves the same it shall give notice thereof to the board of trustees of each school district proposing to consolidate and to the board of county commissioners in each county in which the proposed consolidated district would lie. Notice to the board of county commissioners shall include the legal description of the boundaries of the proposed consolidated district and a brief statement of the approved proposal, and shall be accompanied by a map of the proposed consolidated district.

Not more than ten (10) days after receiving the notice from the state board of education, each board of county commissioners receiving such notice shall enter the order calling for an election on the question of approving or disapproving, and shall cause notice of such election to be ~~posted and~~ published. The notice shall be ~~posted and~~ published, the election shall be held and conducted and its results canvassed, in the manner and form of ~~sections 33-401 through 33-406~~ title 34, Idaho Code.

1 If the qualified school electors of any one (1) district proposing to consolidate, and voting  
 2 in the election, shall constitute a majority of all such electors voting in the entire area of the  
 3 proposed consolidated district, the proposed consolidation shall not be approved unless a ma-  
 4 jority of such electors in such district, voting in the election, and a majority of such electors in  
 5 each of the remaining districts, voting in the election, shall approve the proposed consolidation.

6 If the qualified school electors in no one (1) of the districts proposing to consolidate, and  
 7 voting in the election, constitute a majority of all such electors voting in the entire area of  
 8 the proposed consolidated district, the proposed consolidation shall not be approved unless a  
 9 majority of all such electors in each district, voting in the election, shall approve the proposed  
 10 consolidation.

11 In any plan of consolidation the existing bonded debt of any district or districts proposing  
 12 to consolidate, shall not become the obligation of the proposed consolidated school district.  
 13 The debt or debts shall remain an obligation of the property within the districts proposing the  
 14 consolidation. Upon voter approval of the proposed consolidation, the districts proposing to  
 15 consolidate shall become subdistricts of the new district as if they had been created under the  
 16 provisions of section 33-351, Idaho Code. The subdistricts shall be called bond redemption  
 17 subdistricts. The powers and duties of such bond redemption subdistricts shall not include  
 18 authority to incur new indebtedness within the subdistricts.

19 When a consolidation is approved, as hereinabove prescribed, a new school district is  
 20 thereby created, and the board of county commissioners of any county in which the consoli-  
 21 dated district lies shall enter its order showing the creation of the district and a legal description  
 22 of its boundaries.

23 SECTION 26. That Section 33-312, Idaho Code, be, and the same is hereby amended to  
 24 read as follows:

25 33-312. DIVISION OF SCHOOL DISTRICT. A school district may be divided so as to  
 26 form not more than two (2) districts each of which must have ~~continuous~~ contiguous bound-  
 27 aries, in the manner hereinafter provided, except that any district which operates and maintains  
 28 a secondary school or schools shall not be divided unless the two (2) districts created out of the  
 29 division shall each operate and maintain a secondary school or schools immediately following  
 30 such division.

31 A proposal to divide a school district may be initiated by its board of trustees and submit-  
 32 ted to the state board of education. Such proposal shall contain all of the information required  
 33 in a proposal to consolidate school districts as may be relevant to a proposal to divide a school  
 34 district. It shall also show the manner in which it is proposed to divide or apportion the prop-  
 35 erty and liabilities of the district, the names and numbers of the proposed new districts, and  
 36 legal description of the proposed trustee zones.

37 Before submitting any proposal to divide a school district, the board of trustees shall hold  
 38 a hearing or hearings on the proposal within the district. Notice of such hearing or hearings  
 39 shall be posted by the clerk of the board of trustees in not less than three (3) public places  
 40 within the district, one (1) of which places shall be at or near the main door of the administra-  
 41 tive offices of the school district, for not less than ten (10) days before the date of such hearing  
 42 or hearings.

43 The state board of education may approve or disapprove any such proposal submitted to  
 44 it, and shall give notice thereof in the manner of a proposal to consolidate school districts;

except, that the state board of education shall not approve any proposal which would result in a district to be created by the division having or assuming a bonded debt in an amount exceeding the limitations imposed by law, or which would leave the area of any city ~~or village~~ in more than one (1) school district.

If the state board of education shall approve the proposal to divide the district, notice of the election shall be published, and the election shall be held ~~and~~ subject to the provisions of section 34-106, Idaho Code. The election shall be conducted, and the ballots shall be canvassed, according to the provisions of ~~sections 33-401-33-406~~ title 34, Idaho Code. The division shall be approved only if a majority of all votes cast at said special election by the school district electors residing within the entire existing school district and voting in the election are in favor of the division of such district, and a majority of all votes cast at said special election by the qualified voters within that portion of the proposed new district having a minority of the number of qualified voters, such portion to be determined by the number of votes cast in each area which is a contemplated new district, are in favor of the division of the district, and upon such approval two (2) new school districts shall be thereby created. The organization and division of all school districts which have divided since June 30, 1963, are hereby validated.

If the division ~~be~~ is approved, as herein provided, the county board of canvassers shall ~~thereupon notify~~ certify the results to the district and the district shall report the results to the state board of education and the trustees of the district which has been divided. The state board shall give notice to the board of county commissioners of any county in which the newly created districts may lie.

SECTION 27. That Section 33-313, Idaho Code, be, and the same is hereby amended to read as follows:

33-313. TRUSTEE ZONES. (1) Each elementary school district shall be divided into three (3) trustee zones and each other school district shall be divided into no fewer than five (5) nor more than nine (9) trustee zones according to the provisions of section 33-501, Idaho Code. A school district that has had a change in its district boundaries because of consolidation on and after January 1, 2008, shall divide trustee zones so that each former district in the new district shall not be split into different trustee zones, unless the provisions of subsection (2) of this section cannot be satisfied.

(2) Any proposal to define the boundaries of the several trustee zones in each such school district shall include the determination, where appropriate, of the number of trustee zones in such district, and the date of expiration of the term of office for each trustee. The boundaries of the several trustee zones in each such school district shall be defined and drawn so that, as reasonably as may be, each such zone shall have approximately the same population.

(3) Whenever the area of any district has been enlarged by the annexation of all or any part of another district, or by the correction of errors in the legal description of school district boundaries, any such additional territory shall be included in the trustee zone or zones contiguous to such additional territory until such time as the trustee zones may be redefined and changed. Trustee zones may be redefined and changed, but not more than once every five (5) years, in the manner hereinafter provided.

(4) A proposal to redefine and change trustee zones of any district may be initiated by its board of trustees and shall be initiated by its board of trustees at the first meeting following the report of the decennial census, and submitted to the state board of education, or by petition

signed by not less than fifty (50) school electors residing in the district, and presented to the board of trustees of the district. Within one hundred twenty (120) days following the decennial census or the receipt of a petition to redefine and change the trustee zones of a district the board of trustees shall prepare a proposal for a change which will equalize the population in each zone in the district and shall submit the proposal to the state board of education. Any proposal shall include a legal description of each trustee zone as the same would appear as proposed, a map of the district showing how each trustee zone would then appear, and the approximate population each would then have, should the proposal to change any trustee zones become effective.

(5) Within sixty (60) days after it has received the said proposal the state board of education may approve or disapprove the proposal to redefine and change trustee zones and shall give notice thereof in writing to the board of trustees of the district wherein the change is proposed. Should the state board of education disapprove a proposal the board of trustees shall within forty-five (45) days submit a revised proposal to the state board of education. Should the state board of education approve the proposal, the trustee zones shall be changed in accordance with the proposal and a copy of the legal description of each trustee zone and map of the district showing how each trustee zone will appear shall be filed with the county clerk.

(6) At the next regular meeting of the board of trustees following the approval of the proposal the board shall appoint from its membership a trustee for each new zone to serve as trustee until that incumbent trustee's ~~three (3) year~~ term expires. If the current board membership includes two (2) incumbent trustees from the same new trustee zone, the board will select the incumbent trustee with the most seniority as a trustee to serve the remainder of his ~~three (3) year~~ term. If both incumbent trustees have equal seniority, the board will choose one (1) of the trustees by the drawing of lots. If there is a trustee vacancy in any of the new zones, the board of trustees shall appoint from the patrons resident in that new trustee zone, a person from that zone to serve as trustee until the next annual meeting. At the annual election a trustee shall be elected to serve during the term specified in the election for the zone. The elected trustee shall assume office at the annual meeting of the school district next following the election.

SECTION 28. That Section 33-317, Idaho Code, be, and the same is hereby amended to read as follows:

33-317. COOPERATIVE SERVICE AGENCY -- POWERS -- DUTIES -- LIMITATIONS. (1) Two (2) or more school districts may join together for educational purposes to form a service agency to purchase materials and/or provide services for use individually or in combination. The cooperative service agency thus formed shall be empowered to adopt bylaws, and act as a body corporate and politic with such powers as are assigned through its bylaws but limited to the powers and duties of local school districts. In its corporate capacity, this agency may sue and be sued and may acquire, hold and convey real and personal property necessary to its existence. The employees of the service agency shall be extended the same general rights, privileges and responsibilities as comparable employees of a school district.

(2) A properly constituted cooperative service agency may request from its member school districts funding to be furnished by a tax levy not to exceed one-tenth of one percent (.1%) for a period not to exceed ten (10) years by such member school districts. Such levy must be authorized by an election held subject to the provisions of section 34-106, Idaho Code, and be conducted in each of the school districts pursuant to chapter 14, title 334, Idaho Code,

1 and approved by a majority of the district electors voting in such election. Moneys received  
 2 by the member school districts from this source shall be transferred to the cooperative service  
 3 agency upon receipt of billing from the agency. Excess revenue over billing must be kept in a  
 4 designated account by the district, with accrued interest, and may only be spent as budgeted by  
 5 the agency.

6 (3) For the purpose of constructing and maintaining facilities of a cooperative service  
 7 agency, in addition to the levy authorized in subsection (2) of this section, a properly con-  
 8 stituted cooperative service agency may request from its member school districts additional  
 9 funding to be furnished by a tax levy not to exceed one-tenth of one percent (.1%) for a period  
 10 not to exceed ten (10) years. Such levy must be authorized by an election held subject to the  
 11 provisions of section 34-106, Idaho Code, and be conducted in each of the school districts pur-  
 12 suant to chapter 14, title 334, Idaho Code, and approved by sixty-six and two-thirds percent (66  
 13 2/3%) of the district electors voting in such election. If one (1) or more of the member districts  
 14 fails to approve the tax levy in such election, the cooperative service agency may construct the  
 15 facility through the support of the member districts approving the levy, but in no event shall  
 16 the levy limits authorized in this subsection (3) be exceeded. Nothing shall prevent a member  
 17 district that initially failed to approve the levy from conducting a subsequent election, held pur-  
 18 suant to ~~chapter 4, title 33~~ section 34-106, Idaho Code, to authorize that district's participation  
 19 in construction of the facility. Electors of the districts may approve continuation of such levy  
 20 for an additional ten (10) years at an election held for that purpose. There is no limit on the  
 21 number of elections which may be held for the purpose of continuing the levy authorized under  
 22 this subsection (3) for an additional ten (10) years. The administration and accounting of mon-  
 23 eys received by imposition of the levy shall be the same as provided in subsection (2) of this  
 24 section.

25 SECTION 29. That Section 33-351, Idaho Code, be, and the same is hereby amended to  
 26 read as follows:

27 33-351. SUBDISTRICTS -- AUTHORITY TO ESTABLISH -- ELECTION. The board  
 28 of trustees of any school district which operates two (2) or more high schools may at any time,  
 29 on its own motion or upon the filing with the board of trustees of a petition so requesting  
 30 signed by not less than fifty (50) school electors, call an election to submit to the qualified  
 31 electors of the school district the question of the creation of one (1) or more school subdis-  
 32 tricts. Such election shall be called, the election shall be held subject to the provisions of  
 33 section 34-106, Idaho Code, and shall be conducted pursuant to the provisions of chapter 14,  
 34 title 334, Idaho Code. The proceedings calling such election shall set forth the boundaries of  
 35 each proposed school subdistrict and shall provide for the submission of the question of the  
 36 creation of each such school subdistrict to the qualified electors of the school district and to the  
 37 qualified electors residing within the proposed boundaries of each such school subdistrict. No  
 38 proposition for the creation of a school subdistrict shall be determined to have carried unless  
 39 such proposition shall receive a majority of the votes cast on such proposition by the qualified  
 40 electors residing within the boundaries of the school district and a majority of the votes cast on  
 41 such proposition by the qualified electors residing within the boundaries of the proposed school  
 42 subdistrict. Whenever the creation of more than one (1) school subdistrict is submitted at the  
 43 same election, separate ballots and separate propositions shall be used in voting on the question  
 44 of creating each school subdistrict.

1       SECTION 30. That Section 33-354, Idaho Code, be, and the same is hereby amended to  
2 read as follows:

3       33-354. INDEBTEDNESS -- BOND ISSUES. School subdistricts may incur debt and  
4 issue bonds for the purpose of acquiring, purchasing or improving a school site or sites, ac-  
5 quiring or constructing new ~~school houses~~ schoolhouses, remodeling existing buildings, con-  
6 structing additions thereto, including all necessary furnishings and equipment, and all lighting,  
7 heating, ventilation, sanitation facilities and appliances necessary to operate the buildings of the  
8 new school subdistrict. The governing body of a school subdistrict may submit to the qualified  
9 electors of the school subdistrict the question of whether the governing body of the school sub-  
10 district shall be empowered to issue negotiable bonds of the school subdistrict in an amount and  
11 for a period of time to be named in the notice of election. Notice of the bond election shall be  
12 given, the election shall be conducted and the returns thereof canvassed and the qualifications  
13 of electors voting or offering to vote shall be as provided in ~~sections 33-402 through 33-423~~  
14 title 34, Idaho Code. The question of the issuance of such bonds shall be approved only if the  
15 percentage of votes cast at such election were cast in favor thereof as that which is now, or may  
16 hereafter be, set by the constitution of the state of Idaho. All such bonds shall be authorized,  
17 issued and sold pursuant to the provisions of sections 33-1107 through 33-1125, Idaho Code.  
18 No bonds of a school subdistrict may be issued, however, if the issuance of such bonds would  
19 cause the percentage of market value for assessment purposes of taxable property within the  
20 boundaries of the school subdistrict represented by the aggregate outstanding indebtedness of  
21 the school subdistrict, when added to the percentage of the assessed valuation of taxable prop-  
22 erty represented by the aggregate outstanding indebtedness of the school district within which  
23 the school subdistrict lies, to exceed five percent (5%). As used in the preceding sentence  
24 hereof, "market value for assessment purposes," "aggregate outstanding indebtedness" and "is-  
25 suance" shall have the same meanings as set forth in section 33-1103, Idaho Code. Upon the  
26 approval of the issuance of such bonds, the same may be issued by the governing body of the  
27 school subdistrict on behalf of the school subdistrict at any time within two (2) years from the  
28 date of such election. Wherever in ~~sections 33-402 through 33-423~~ title 34, Idaho Code, and  
29 in sections 33-1107 through 33-1125, Idaho Code, reference is made to "school district"; for  
30 purposes of this ~~act~~ chapter it shall be deemed to refer to school subdistricts.

31       SECTION 31. That Section 33-401, Idaho Code, be, and the same is hereby amended to  
32 read as follows:

33       33-401. LEGISLATIVE INTENT. The legislature finds that a comprehensive and inte-  
34 grated statutory scheme for the conduct of school elections is critical to the public's understand-  
35 ing of and confidence in the public school election system. It is therefore the intent of the  
36 legislature that ~~with the exception of chapter 24, title 34, Idaho Code, and the provisions of title~~  
37 ~~18, Idaho Code, which and the provisions of title 34, Idaho Code, shall be fully applicable, or~~  
38 ~~unless otherwise specifically provided, and shall govern all school elections shall be governed~~  
39 ~~by the provisions of this chapter.~~ All school elections shall be administered by the clerk of the  
40 county wherein the district lies. Elections in a joint school district shall be conducted jointly  
41 by the clerks of the respective counties, and the clerk of the home county shall exercise such  
42 powers as are necessary to coordinate the election.



SECTION 32. That Section 33-402, Idaho Code, be, and the same is hereby amended to read as follows:

33-402. NOTICE REQUIREMENTS. ~~a. Notice of all school elections must be given by posting and publishing notice of said elections and such notice shall state:~~

- ~~1. The date of holding the election;~~
- ~~2. The hours between which the polls will be open;~~
- ~~3. The definite place or places of holding the election;~~
- ~~4. In the case of election of trustees, the offices to be filled, the trustee zones, and a statement that declarations of candidacy must be filed not later than 5:00 p.m. on the fifth Friday prior to the day of the election;~~
- ~~5. In the case of bond election, the amount of the issue, the purpose and period of the issue;~~

~~6. In the case of the assumption of a debt, the amount of any such debt to be assumed by each district, or part of a district; and~~

~~7. In all other elections, a brief statement of the question being submitted to the electors.~~

~~b. In school elections involving (i) the incurring or increasing of a debt, (ii) approving a levy for a plant facilities reserve fund and term thereof, (iii) exercising and annexing territory, (iv) consolidating districts, or (v) dividing a district, notice of the election shall be posted not less than twenty one (21) days prior to the day of the election in at least three (3) places in each district participating in or affected by such election, one (1) of which places shall be at or near the main door of the administrative offices of each such district, and by publishing at least once each week for three (3) consecutive weeks prior to the day of the election in a newspaper as provided in section 60-106, Idaho Code, published in the county or in any county in which such district may lie and having general circulation within such district.~~

~~c. Notice of all other school elections shall be given in the same manner, except that the posting shall be for not less than ten (10) days, and publishing shall be at least once each week for two (2) consecutive weeks prior to the day of the election.~~

~~d. Notice of the deadline for filing declaration of candidacy for election of trustees shall be posted for not less than ten (10) days and published at least once each week for two (2) consecutive weeks prior to the last day for filing nominating petitions as required by section 33-502, Idaho Code.~~

~~e. In elections for exercising and annexing the territory of school districts, or to create new school districts by consolidation or division, the clerk of the board of county commissioners of the county in which the district lies, or of the home county if the district be a joint district, shall prepare, post, sign and arrange for the publishing of, the notice of election. In all other elections it shall be the duty of the clerk of the board of trustees so to do.~~

~~f. (1) Notice of annual meeting of elementary school districts as provided for in section 33-510, Idaho Code, and of intent to discontinue a school, as provided for in section 33-511, Idaho Code, and annual budget hearing as provided for in section 33-801, Idaho Code, shall be given by posting and publishing as outlined in subsection b. of this section except that posting shall be for not less than ten (10) days, and publishing shall be once in a newspaper as provided in section 60-106, Idaho Code, published within the district, or, if there be none, then in a newspaper as provided in section 60-106, Idaho Code, published in the county in which such district lies. If more than one (1) newspaper is printed and published in said district or county, then in the newspaper most likely to give best general notice of the election within said district;~~

provided that if no newspaper is published in the said district or county, then in a newspaper as provided in section 60-106, Idaho Code, most likely to give best general notice of the election within the district.

~~§(2)~~ Notices calling for bids for the acquisition, use, or disposal of real and personal property as provided for in section 33-601, Idaho Code, and contracting for transportation services as provided for in section 33-1510, Idaho Code, shall be given in a newspaper of general circulation as required by chapter 1, title 60, Idaho Code, except that the notice for contracting for transportation services shall be made not less than four (4) weeks before the date of opening bids.

~~h(3)~~ Proof of posting notice shall be upon the affidavit of the person posting the same; and proof of publication shall be upon the affidavit of the publisher of the newspaper or newspapers respectively. Such affidavits shall be filed with ~~his~~ the board by the clerk responsible for the posting and the publishing of said notice, ~~before the day of the election named in the notice.~~

SECTION 33. That Sections 33-403, 33-403A, 33-403B and 33-403C, Idaho Code, be, and the same are hereby repealed.

SECTION 34. That Section 33-404, Idaho Code, be, and the same is hereby amended to read as follows:

33-404. PLACES ELECTIONS TO BE HELD. In elections involving excision and annexation of territory, or the consolidation of school districts, or the division of a school district, each notice of election shall designate that polling places shall be established, as follows:

In an election involving excision and annexation of territory, polling places shall be established pursuant to section 34-302, Idaho Code, in the district to which the territory or area is to be annexed; in the territory or area to be annexed; and in the remainder of the school district from which the territory or area is to be excised.

In an election involving consolidation of school districts, polling places shall be established ~~in each district proposed to be consolidated~~ pursuant to section 34-302, Idaho Code.

In an election involving the division of a school district, polling places shall be established ~~in each proposed trustee zone of each school district proposed to be created by the division~~ pursuant to section 34-302, Idaho Code.

In any school election held within a joint school district, polling places shall be designated and established pursuant to section 34-302, Idaho Code, within such district, in each county ~~in which ten (10) or more electors of the district reside. In an area where less than ten (10) electors reside, a polling place shall be designated upon petition to the board of trustees, received not less than twenty eight (28) days preceding the date of the election, of three (3) or more electors within the affected area, or may be designated at the option of the board of trustees.~~

SECTION 35. That Section 33-405, Idaho Code, be, and the same is hereby amended to read as follows:

33-405. QUALIFICATIONS OF SCHOOL ELECTORS. Any person voting, or offering to vote, in any school election must be, at the time of the election eighteen (18) years of age and a United States citizen who has resided in this state and in the school district at least thirty (30) days next preceding the election in which the elector desires to vote. In the case of

election of trustees, the elector must be a resident of the same trustee zone as the candidate or candidates for school district trustees for whom the elector offers to vote for at least thirty (30) days next preceding the election in which the elector desires to vote.

Registration requirements set forth in chapter 4, title 34, Idaho Code, shall be applicable to school elections, ~~and in addition to the foregoing qualifications, a school elector shall have executed, in writing and immediately before voting, a form of elector's oath attesting that he or she possesses the qualifications of a school elector prescribed by this section and indicating the mailing address, residence address or any other necessary information definitely locating the residence of the school elector.~~ The elector may be required to furnish to the election official proof of residence, which proof shall be established by either an Idaho motor vehicle driver's license or any other document definitely establishing the elector's residence within the school district or trustee zone.

SECTION 36. That Sections 33-405A, 33-405B, 33-406, 33-406A, 33-407, 33-408, 33-409, 33-410, 33-411, 33-412, 33-413, 33-414, 33-415, 33-416, 33-417, 33-418, 33-419, 33-420, 33-421, 33-422, 33-423, 33-424, 33-428, 33-429, 33-430, 33-431, 33-432, 33-433, 33-434, 33-435, 33-436, 33-437, 33-438, 33-439, 33-440, 33-441 and 33-442, Idaho Code, be, and the same are hereby repealed.

SECTION 37. That Section 33-501, Idaho Code, be, and the same is hereby amended to read as follows:

33-501. BOARD OF TRUSTEES. Each school district shall be governed by a board of trustees. The board of trustees of each elementary school district shall consist of three (3) members, and the board of trustees of each other school district shall consist of five (5) members. Provided, however, that the board of trustees of any district which has had a change in its district boundaries subsequent to June 30, 1973, may consist of no fewer than five (5) nor more than nine (9) members if such provisions are included as part of an approved proposal to redefine and change trustee zones as provided in section 33-313, Idaho Code. The board of trustees of any district that has had a change in its district boundaries because of district consolidation on and after January 1, 2008, shall consist of five (5) members if two (2) districts consolidated or seven (7) members if three (3) or more districts consolidated. ~~Except as otherwise provided by law~~ Commencing in 2011, a school district trustee shall be elected for a term of ~~three~~ four (34) years ~~or until the annual meeting of his district held during the year in which his term expires~~ beginning at twelve o'clock noon on July 1 next succeeding his election.

Each trustee shall at the time of his nomination and election, or appointment, be a school district elector of his district and a resident of the trustee zone from which nominated and elected, or appointed.

Each trustee shall qualify for and assume office ~~at the annual meeting of his school district on July 1~~ next following his election, or, if appointed, at the regular meeting of the board of trustees next following such appointment. An oath of office shall be administered to each trustee, whether elected, re-elected or appointed. Said oath may be administered by the clerk, or by a trustee, of the district, and the records of the district shall show such oath of office to have been taken, and by whom administered and shall be filed with the official records of the district.

1       SECTION 38. That Sections 33-502A, 33-502C and 33-502D, Idaho Code, be, and the  
2 same are hereby repealed.

3       SECTION 39. That Section 33-502B, Idaho Code, be, and the same is hereby amended  
4 to read as follows:

5       33-502B. BOARD OF TRUSTEES -- ONE NOMINATION -- NO ELECTION. In any  
6 election for trustees, if, after the expiration of the date for filing written nominations for the of-  
7 fice of trustee, it appears that only one (1) qualified candidate has been nominated for a position  
8 to be filled or if only one (1) candidate has filed a write-in declaration of intent as provided by  
9 section ~~33-502A~~ 34-1407, Idaho Code, no election shall be held for that position, and the board  
10 of trustees or the school district clerk with the written permission of the board, shall ~~within~~  
11 ~~thirteen (13) days before the scheduled date of the election~~ declare such candidate elected as a  
12 trustee, and the school district clerk shall immediately prepare and deliver to the person a cer-  
13 tificate of election signed by him and bearing the seal of the district. The procedure set forth in  
14 this section shall not apply to any other school district election.

15       SECTION 40. That Section 33-503, Idaho Code, be, and the same is hereby amended to  
16 read as follows:

17       33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. The election of school dis-  
18 trict trustees including those in charter districts shall be on the third Tuesday in May in odd-  
19 numbered years. Notice and conduct of the election, and the canvassing of the returns shall be  
20 as provided in ~~sections 33-401-33-406~~ chapter 14, title 34, Idaho Code. In each trustee zone,  
21 the person receiving the greatest number of votes cast within his zone shall be declared by the  
22 board of trustees as the trustee elected from that zone.

23       If any two (2) or more persons have an equal number of votes in any trustee zone and a  
24 greater number than any other nominee in that zone, the board of trustees shall determine the  
25 winner by a toss of a coin.

26       SECTION 41. That Chapter 5, Title 33, Idaho Code, be, and the same is hereby amended  
27 by the addition thereto of a NEW SECTION, to be known and designated as Section 33-503A,  
28 Idaho Code, and to read as follows:

29       33-503A. TRANSITION OF SCHOOL TRUSTEE TERMS FROM THREE YEARS  
30 TO FOUR YEARS. In order to achieve an orderly transition to terms of four (4) years, and  
31 to hold trustee elections in the odd-numbered years, the following schedule shall be followed:

32       (1) For school districts with five (5) trustees:

33       (a) If two (2) trustees were elected to a regular trustee term in 2007, and one (1) trustee  
34 was elected to a regular term in 2008, then these three (3) trustees shall each serve a term  
35 that expires on July 1, 2011, and the trustees elected to a regular trustee term in 2009  
36 shall each serve a term that expires on July 1, 2013.

37       (b) If two (2) trustees were elected to regular trustee terms in 2007, and two (2) trustees  
38 were elected to regular trustee terms in 2008, then those trustees elected in 2007 shall  
39 each serve a term that expires on July 1, 2011, and those elected in 2008 shall each serve  
40 a term that expires on July 1, 2013, and the trustee elected to a regular trustee term in  
41 2009 shall serve a term that expires on July 1, 2013.

(c) If one (1) trustee was elected to a regular trustee term in 2007, the trustee shall serve a term that expires on July 1, 2011, and the trustees elected to a regular trustee term in 2008 shall each serve a term that expires on July 1, 2013.

(2) For school districts with six (6) trustees, two (2) trustees elected to a regular term in 2007 shall each serve a term that expires on July 1, 2011, and two (2) trustees elected to a regular term in 2009 shall each serve a term that expires on July 1, 2013, and one (1) of the trustees elected to a regular term in 2008 shall serve until July 1, 2011, and one (1) of the trustees elected to a regular term in 2008 shall serve until July 1, 2013, which shall be determined by the toss of a coin.

(3) For school districts with seven (7) trustees, three (3) trustees elected to a regular term in 2008 or 2009 shall each serve until July 1, 2011, and any remainder of the trustees elected in 2008 or 2009 shall serve until July 1, 2013, which shall be determined by the toss of a coin; and trustees elected to a regular term in 2010 shall serve until July 1, 2013.

(4) For elementary school districts with three (3) trustees, two (2) trustees elected to a regular term in 2007 and 2008 shall serve until July 1, 2011, and one (1) trustee elected to a regular term in 2009 shall serve until July 1, 2013.

SECTION 42. That Section 33-504, Idaho Code, be, and the same is hereby amended to read as follows:

33-504. VACANCIES ON BOARDS OF TRUSTEES. A vacancy shall be declared by the board of trustees when any nominee has been elected but has failed to qualify for office, or within thirty (30) days of when any trustee shall (a) die; (b) resign as trustee; (c) remove himself from his trustee zone of residence; (d) no longer be a resident or school district elector of the district; (e) refuse to serve as trustee; (f) without excuse acceptable to the board of trustees, fail to attend four (4) consecutive regular meetings of the board; or (g) be recalled and discharged from office as provided in ~~section 33-439, Idaho Code~~ law.

Such declaration of vacancy shall be made at any regular or special meeting of the board of trustees, at which any of the above-mentioned conditions are determined to exist.

The board of trustees shall appoint to such vacancy a person qualified to serve as trustee of the school district provided there remains in membership on the board of trustees a majority of the membership thereof, and the board shall notify the state superintendent of public instruction of the appointment. Such appointment shall be made within ninety (90) days of the declaration of vacancy. Otherwise, appointments shall be made by the board of county commissioners of the county in which the district is situate, or of the home county if the district be a joint district.

Any person appointed as herein provided shall serve ~~until the annual meeting of school district trustees next following such appointment. At the annual election a trustee shall be elected to complete~~ for the balance of the unexpired term of the office which was declared vacant and filled by appointment.

~~The elected trustee shall assume office at the annual meeting of the school district next following the election.~~

SECTION 43. That Section 33-505, Idaho Code, be, and the same is hereby amended to read as follows:

33-505. BOARD OF TRUSTEES, DISTRICT NEWLY CREATED. Within ten (10) days after the entry of any order creating a new school district by the consolidation of districts or parts thereof, the trustees of all school districts involved in the consolidation shall meet at the call of the state superintendent of public instruction or his designee and, from their number, shall select a board of trustees of the new district representing each of the merged districts in an equal number to serve as follows: if two (2) districts consolidated, one (1) member representing the board of trustees of each district shall serve until the annual election of trustees next following; one (1) member representing the board of trustees of each district shall serve until the annual election the following year; and one (1) member appointed by the other four (4) members shall serve until the annual election in the year after that. If three (3) or more districts consolidated, three (3) members shall serve until the annual election of trustees next following; three (3) members shall serve until the annual election the following year; and one (1) member appointed by the other six (6) members shall serve until the annual election in the year after that. If the number of merged districts is greater than three (3), the superintendent of public instruction shall appoint as equally as possible from trustees of the previous districts so that each district, if possible, has representation on the consolidated district's board of trustees. The superintendent shall stagger the terms of his appointments so that an equal number of appointees' terms expire annually and those trustees shall sit for election. Thereafter, all trustees who are elected shall serve terms as provided in section 33-501, Idaho Code, for a board of trustees of a school district. The board of trustees shall report the names of said trustees to the state board of education. The board of trustees of the newly consolidated school district shall expeditiously redraw the trustee zones pursuant to section 33-313, Idaho Code.

The state board of education, at its first meeting next following receipt of notice of the creation of new school districts by the division of a district, shall appoint a board of trustees for each such new district, to serve until ~~the annual election of school district trustees~~ July 1 next following.

Boards of trustees selected or appointed as in this section provided shall forthwith meet and organize as provided in section 33-506, Idaho Code, and thereupon the board of trustees of any district, the whole of which has been incorporated within the new district, or which was divided as the case may be, shall be dissolved and its powers and duties shall cease. Prior to the notice of annual election of trustees next following, the board of trustees of each school district created by consolidation or by division of districts shall determine by lot or by agreement from which of the trustee zones the trustees therefor shall be elected ~~for a term of one (1) year, which for a term of two (2) years, and which for a term of three (3) years.~~ Thereafter each trustee shall be elected for a term of ~~three~~ four (34) years.

SECTION 44. That Section 33-601, Idaho Code, be, and the same is hereby amended to read as follows:

33-601. REAL AND PERSONAL PROPERTY -- ACQUISITION, USE OR DISPOSAL OF SAME. The board of trustees of each school district shall have the following powers and duties:

(1) To rent to or from others, school buildings or other property used, or to be used, for school purposes.

1 (2) To contract for the construction, repair, or improvement of any real property, or the  
 2 acquisition, purchase or repair of any equipment, or other personal property necessary for the  
 3 operation of the school district.

4 Except for the purchase of curricular materials as defined in section 33-118A, Idaho Code,  
 5 such contract shall be executed in accordance with the provisions of chapter 28, title 67, Idaho  
 6 Code.

7 (3) To designate and purchase any real property necessary for school purposes or in the  
 8 operation of the district, or remove any building, or dispose of any real property. Prior to, but  
 9 not more than one (1) year prior to, any purchase or disposal of real property, the board shall  
 10 have such property appraised by an appraiser certified in the state of Idaho, which appraisal  
 11 shall be entered in the records of the board of trustees, and shall be used to establish the value  
 12 of the real property. The board of trustees shall determine the size of the site necessary for  
 13 school purposes. The site shall be located within the incorporated limits of any city within  
 14 the district; provided, however, that if the board finds that it is not in the best interests of the  
 15 electors and the students of the district to locate the site within the incorporated limits of a city,  
 16 the board, by duly adopted resolution setting forth the reasons for its finding, may designate a  
 17 site located elsewhere within the district. In elementary school districts, except upon removal  
 18 for highway purposes, a site may be designated or changed only after approval of two-thirds  
 19 (2/3) or more of the electors voting at the annual meeting.

20 (4) (a) To convey, except as provided by paragraph (b) of this subsection, by deed, bill  
 21 of sale, or other appropriate instrument, all of the estate and interest of the district in  
 22 any property, real or personal. In elementary school districts, except such conveyance  
 23 as is authorized by subsection (6) of this section, any of the transactions authorized in  
 24 this subsection shall be subject to the approval of two-thirds (2/3) or more of the electors  
 25 voting at the annual meeting.

26 Prior to such sale or conveyance, the board shall have the property appraised pursuant  
 27 to this section, which appraisal shall be entered in the records of the board of trustees.  
 28 The property may be sold at public auction or by sealed bids, as the board of trustees  
 29 shall determine, to the highest bidder. Such property may be sold for cash or for such  
 30 terms and conditions as the board of trustees shall determine for a period not exceeding  
 31 ten (10) years, with the annual rate of interest on all deferred payments not less than  
 32 seven percent (7%) per annum. The title to all property sold on contract shall be retained  
 33 in the name of the school district until full payment has been made by the purchaser, and  
 34 title to all property sold under a note and mortgage or deed of trust shall be transferred to  
 35 the purchaser at the point of sale under the terms and conditions of the mortgage or deed  
 36 of trust as the board of trustees shall determine. Notice of the time and the conditions  
 37 of such sale shall be published twice, and proof thereof made, in accordance with subsec-  
 38 tions ~~g. and h.~~ (2) and (3) of section 33-402, Idaho Code, except that when the appraised  
 39 value of the property is less than one thousand dollars (\$1,000), one (1) single notice by  
 40 publication shall be sufficient and the property shall be sold by sealed bids or at public  
 41 auction.

42 The board of trustees may accept the highest bid, may reject any bid, or reject all  
 43 bids. If the real property was donated to the school district the board may, within a  
 44 period of one (1) year from the time of the appraisal, sell the property without additional  
 45 advertising or bidding. Otherwise, the board of trustees must have new appraisals made  
 46 and again publish notice for bids, as before. If, thereafter, no satisfactory bid is made and

1 received, the board may proceed under its own direction to sell and convey the property.  
2 In no case shall any real property of the school district be sold for less than its appraisal.

3 The board of trustees may sell personal property, with an estimated value of less  
4 than one thousand dollars (\$1,000), without appraisal, by sealed bid or at public auction,  
5 provided that there has been not less than one (1) published advertisement prior to the  
6 sale of said property. If the property has an estimated value of less than five hundred  
7 dollars (\$500), the property may be disposed of in the most cost-effective and expedient  
8 manner by an employee of the district empowered for that purpose by the board, provided  
9 however, such employee shall notify the board prior to disposal of said property.

10 (b) Real and personal property may be exchanged hereunder for other property. Pro-  
11 vided, however, that aside from the provisions of this paragraph, any school district may  
12 by a vote of one-half (1/2) plus one (1) of the members of the full board of trustees,  
13 by resolution duly adopted, authorize the transfer or conveyance of any real or personal  
14 property owned by such school district to the government of the United States, any city,  
15 county, the state of Idaho, any hospital district organized under chapter 13, title 39, Idaho  
16 Code, any other school district, the Idaho housing and finance association, any public  
17 charter school, any library district, any community college district, or any recreation dis-  
18 trict, with or without any consideration accruing to the school district, when in the judg-  
19 ment of the board of trustees it is for the interest of such school district that said transfer  
20 or conveyance be made. Prior to any transfer or conveyance of any real or personal prop-  
21 erty pursuant to this paragraph (4)(b), the board shall have the property appraised by an  
22 appraiser certified in the state of Idaho, which appraisal shall be entered in the records  
23 of the board of trustees, and shall be used to establish the value of the real or personal  
24 property.

25 (5) To enter into contracts with any city located within the boundaries of the school  
26 district for the joint purchase, construction, development, maintenance and equipping of play-  
27 grounds, ball parks, swimming pools, and other recreational facilities upon property owned  
28 either by the school district or the city.

29 (6) To convey rights-of-way and easements for highway, public utility, and other pur-  
30 poses over, upon or across any school property and, when necessary to the use of such property  
31 for any such purpose, to authorize the removal of school buildings to such new location, or  
32 locations, as shall be determined by the board of trustees, and such removal shall be made at no  
33 cost or expense to the school district.

34 (7) To authorize the use of any school building of the district as a community center, or  
35 for any public purpose, and to establish a policy of charges, if any, to be made for such use.

36 (8) To exercise the right of eminent domain under the provisions of chapter 7, title 7,  
37 Idaho Code, for any of the uses and purposes provided in section 7-701, Idaho Code.

38 (9) If there is a great public calamity, such as an extraordinary fire, flood, storm, epi-  
39 demic, or other disaster, or if it is necessary to do emergency work to prepare for national or  
40 local defense, or it is necessary to do emergency work to safeguard life, health or property,  
41 the board of trustees may pass a resolution declaring that the public interest and necessity de-  
42 mand the immediate expenditure of public money to safeguard life, health or property. Upon  
43 adoption of the resolution, the board may expend any sum required in the emergency without  
44 compliance with this section.



SECTION 45. That Section 33-802, Idaho Code, be, and the same is hereby amended to read as follows:

33-802. SCHOOL LEVIES. Any tax levied for school purposes shall be a lien on the property against which the tax is levied. The board of trustees shall determine the levies upon each dollar of taxable property in the district for the ensuing fiscal year as follows:

(1) Bond, Interest and Judgment Obligation Levies. Such levies as shall be required to satisfy all maturing bond, bond interest, and judgment obligations.

(2) Budget Stabilization Levies. School districts not receiving state equalization funds in fiscal year 2006 may authorize a budget stabilization levy for calendar year 2006 and each year thereafter. Such levies shall not exceed the difference between the amount of equalized funds that the state department of education estimates the school district will receive in fiscal year 2007, based on the school district's fiscal year 2006 reporting data, and the combined amount of money the school district would have received from its maintenance and operation levy and state property tax replacement funds in fiscal year 2007 under the laws of the state of Idaho as they existed prior to amendment by the first extraordinary session of the fifty-eighth Idaho legislature. The state department of education shall notify the state tax commission and affected counties and school districts of the maximum levy amounts permitted, by no later than September 1, 2006.

(3) Supplemental Maintenance and Operation Levies. No levy in excess of the levy permitted by this section shall be made by a noncharter district unless such a supplemental levy in a specified amount and for a specified time not to exceed two (2) years be first authorized through an election held subject to the provisions of section 34-106, Idaho Code, and pursuant to chapter 4, title 33, Idaho Code, and approved by a majority of the district electors voting in such election. A levy approved pursuant to this subsection may be reduced by a majority vote of the board of trustees in the second year.

(4) Charter District Supplemental Maintenance and Operation. Levies pursuant to the respective charter of any such charter district shall be first authorized through an election held subject to the provisions of section 34-106, Idaho Code, and pursuant to chapter 4, title 33, Idaho Code, and approved by a majority of the district electors voting in such election.

(5) The board of trustees of any school district that has, for at least seven (7) consecutive years, been authorized through an election held ~~pursuant to chapter 4, title 33, Idaho Code,~~ to certify a supplemental levy that has annually been equal to or greater than twenty percent (20%) of the total general maintenance and operation fund, may submit the question of an indefinite term supplemental levy to the electors of the school district. Such question shall clearly state the dollar amount that will be certified annually and that the levy will be for an indefinite number of years. The question must be approved by a majority of the district electors voting on the question in an election held subject to the provisions of section 34-106, Idaho Code, and pursuant to chapter 4, title 33, Idaho Code. The levy approved pursuant to this subsection may be reduced by a majority vote of the board of trustees during any fiscal year.

(6) A charter district may levy for maintenance and operations if such authority is contained within its charter. In the event property within a charter district's boundaries is contained in a revenue allocation area established under chapter 29, title 50, Idaho Code, and such revenue allocation area has given notice of termination thereunder, then, only for the purpose of determining the levy described in this subsection, the district may add the increment value, as

defined in section 50-2903, Idaho Code, to the actual or adjusted market value for assessment purposes of the district as such value existed on December 31 of the previous year.

SECTION 46. That Section 33-803, Idaho Code, be, and the same is hereby amended to read as follows:

33-803. LEVY FOR EDUCATION OF CHILDREN OF MIGRATORY FARM WORKERS. In any school district in which there is located any farm labor camp and the children of migratory farm workers housed therein attend the schools of the district, the board of trustees may make a levy not exceeding one-tenth of one percent (.1%) of the market value for assessment purposes on all taxable property within the district, in addition to any other levies authorized by law, for the cost of educating such children.

Whenever the aggregate of the levy herein authorized and other levies made for maintenance and operation of the district shall exceed six-tenths of one percent (.6%) of the market value for assessment purposes on all taxable property within the district, the levy authorized by this section must be approved by the school district electors at a tax levy election held for that purpose. Notice of such election shall be given, the election shall be conducted, and the returns thereof made, as provided in ~~sections 33-401 through 33-406~~ title 34, Idaho Code; and the question shall be approved only if a majority of the qualified electors voting at such election vote in favor thereof. ~~If the election be held in conjunction with any other school election, the question herein shall be submitted by separate ballot.~~

SECTION 47. That Section 33-804, Idaho Code, be, and the same is hereby amended to read as follows:

33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school district in which a school plant facilities reserve fund has been created, either by resolution of the board of trustees or by apportionment to new districts according to the provisions of section 33-901, Idaho Code, to provide funds therefor the board of trustees shall submit to the qualified school electors of the district the question of a levy not to exceed four-tenths of one percent (.4%) of market value for assessment purposes in each year, as such valuation existed on December 31 of the previous year, for a period not to exceed ten (10) years.

The question of a levy to be submitted to the electors of the district and the notice of such election shall state the dollar amount proposed to be collected each year during the period of years in each of which the collection is proposed to be made, the percentage of votes in favor of the proposal which are needed to approve the proposed dollar amount to be collected, and the purposes for which such funds shall be used. Said notice shall be given, the election shall be held subject to the provisions of section 34-106, Idaho Code, and conducted and the returns canvassed as provided in ~~chapter 4, title 33~~ title 34, Idaho Code; and the dollar amount to be collected shall be approved only if:

1. Fifty-five percent (55%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of less than two-tenths of one percent (.2%) of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election;

2. Sixty percent (60%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of two-tenths of one percent (.2%) or more and less than three-tenths of one percent (.3%) of market value

1 for assessment purposes as such valuation existed on December 31 of the year immediately  
2 preceding the election; or

3 3. Two-thirds (2/3) of the electors voting in such election are in favor thereof if the levy  
4 will result in a total levy for school plant facilities and bonded indebtedness of three-tenths of  
5 one percent (.3%) or more of market value for assessment purposes as such valuation existed  
6 on December 31 of the year immediately preceding the election.

7 If the question be approved, the board of trustees may make a levy, not to exceed four-  
8 tenths of one percent (.4%) of market value for assessment purposes as such valuation existed  
9 on December 31 of the previous year, in each year for which the collection was approved, suffi-  
10 cient to collect the dollar amount approved and may again submit the question at the expiration  
11 of the period of such levy, for the dollar amount to be collected during each year, and the num-  
12 ber of years which the board may at that time determine. Or, during the period approved at  
13 any such election, if such period be less than ten (10) years or the levy be less than four-tenths  
14 of one percent (.4%) of market value for assessment purposes as such valuation existed on  
15 December 31 of the previous year, the board of trustees may submit to the qualified school  
16 electors in the same manner as before, the question whether the number of years, or the levy,  
17 or both, be increased, but not to exceed the maximum herein authorized. If such increase or  
18 increases be approved by the electors, the terms of such levy shall be in lieu of those approved  
19 in the first instance, but disapproval shall not affect any terms theretofore in effect.

20 Any bonded indebtedness incurred in accordance with the provisions of section 33-1103,  
21 Idaho Code, subsequent to the approval of a plant facilities reserve fund levy shall not affect  
22 the terms of that levy for any time during which such levy is in effect.

23 SECTION 48. That Section 33-1103, Idaho Code, be, and the same is hereby amended to  
24 read as follows:

25 33-1103. DEFINITIONS -- BONDS -- LIMITATION ON AMOUNT -- ELECTIONS  
26 TO AUTHORIZE ISSUANCE. (1) For the purposes of this chapter the following definitions  
27 shall have the meanings specified: "Market value for assessment purposes" means the amount  
28 of the last preceding equalized assessment of all taxable property and all property exempt from  
29 taxation pursuant to section 63-602G, Idaho Code, and property exempt from taxation pursuant  
30 to section 63-602KK, Idaho Code, within the school district on the tax rolls completed and  
31 available as of the date of approval by the electorate in the school bond election. "Aggregate  
32 outstanding indebtedness" means the total sum of unredeemed outstanding bonds, minus all  
33 moneys in the bond interest and redemption fund or funds accumulated for the redemption  
34 of such outstanding bonds, and minus the sum of all taxes levied for the redemption of such  
35 bonds, with the exception of that portion of such tax levies required for the payment of interest  
36 on bonds, which taxes remain uncollected. "Issue," "issued," or "issuance" means a formal  
37 delivery of bonds to any purchaser thereof and payment therefor to the school district.

38 (2) The board of trustees of any school district, upon approval of a majority thereof,  
39 may submit to the qualified school district electors of the district the question as to whether the  
40 board shall be empowered to issue negotiable coupon bonds of the district in an amount and for  
41 a period of time to be named in the notice of election.

42 (3) An elementary school district which employs not less than six (6) teachers, or a  
43 school district operating an elementary school or schools, and a secondary school or schools,  
44 or issuing bonds for the acquisition of a secondary school or schools, may issue bonds in an

1 amount not to exceed five percent (5%) of the market value for assessment purposes thereof,  
 2 less the aggregate outstanding indebtedness; and no other school district shall issue bonds in an  
 3 amount to exceed at any time two percent (2%) of the market value for assessment purposes  
 4 thereof less the aggregate outstanding indebtedness. The market value for assessment purposes,  
 5 the aggregate outstanding indebtedness and the unexhausted debt-incurring power of the district  
 6 shall each be determined as of the date of approval by the electors in the school bond election.

7 (4) Notice of the bond election shall be given, the election shall be conducted and the  
 8 returns thereof canvassed, and the qualifications of electors voting or offering to vote shall be,  
 9 as provided in ~~sections 33-401 through 33-406~~ title 34, Idaho Code.

10 (5) The question shall be approved only if the percentage of votes cast at such election  
 11 were cast in favor thereof is that which now, or may hereafter be, set by the constitution of the  
 12 state of Idaho. Upon such approval of the issuance of bonds, the same may be issued at any  
 13 time after the date of such election.

14 SECTION 49. That Section 33-1510, Idaho Code, be, and the same is hereby amended to  
 15 read as follows:

16 33-1510. CONTRACTS FOR TRANSPORTATION SERVICE. (1) All contracts entered  
 17 into by boards of trustees for the transportation of pupils shall be in writing using the current  
 18 pupil transportation model contract developed by the state department of education. School  
 19 districts may attach to the model contract addenda to meet local requirements. School districts  
 20 shall submit to the state superintendent of public instruction a copy of the pupil transportation  
 21 contract prior to both parties signing it, for a review of legal requirements and appropriate  
 22 costs and for final approval. The state superintendent of public instruction shall respond to the  
 23 school district within twenty-one (21) calendar days of the postmarked receipt of the contract  
 24 by notifying the school district of contract approval or of recommended or required changes. A  
 25 school district may appeal to the state board of education any changes the state superintendent  
 26 requires, in which case the state board may, upon review, approve the contract without such  
 27 changes.

28 (2) No contract shall be executed covering a period of time exceeding five (5) years.  
 29 School districts shall advertise, bid and contract for all bus transportation service routes at a  
 30 single time, and contract with the lowest responsible bidder or bidders meeting the specifica-  
 31 tions; provided that, one (1) time only, a school district may renew a contract with the cur-  
 32 rent contractor if the board of trustees, after renegotiation with the contractor, determines that  
 33 the terms are satisfactory to the district. The board of trustees may renew the contract for a  
 34 term not to exceed five (5) years. Renewal of any contract pursuant to this section shall not  
 35 be granted unless the provisions of this section were included, in a substantially conforming  
 36 summary, within the bidding notice, published pursuant to section 33-601, Idaho Code, of the  
 37 contract.

38 (3) Before entering into such contracts, the board of trustees shall invite bids by twice  
 39 giving notice as provided in section 33-402~~§(2)~~, Idaho Code, and shall award the contract to  
 40 the lowest responsible bidder.

41 SECTION 50. That Section 33-2106, Idaho Code, be, and the same is hereby amended to  
 42 read as follows:

1 33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of  
2 trustees of each community college district shall consist of five (5) school electors residing in  
3 the district who shall be appointed or elected as herein provided.

4 (a) Immediately following the establishment of a community college district, the state  
5 board of education shall appoint the members of the first board, who shall serve until the  
6 election and qualification of their successors.

7 (b) At the first election of trustees after the creation of a district, five (5) trustees shall be  
8 elected: two (2) for terms of two (2) years each, and three (3) for terms of four (4) years  
9 each. Thereafter the successors of persons so elected shall be elected for terms of four  
10 (4) years.

11 (c) Excluding any first election of trustees after the creation of a district, at any other  
12 election of trustees held in 2008, and in each trustee election thereafter, trustees shall be  
13 elected to terms of four (4) years. If more than two (2) trustee positions are eligible for  
14 election in 2008, one (1) trustee shall be elected to a term of four (4) years and two (2)  
15 trustees shall be elected to a term of six (6) years. Thereafter the successors of persons  
16 so elected in 2008 shall be elected for terms of four (4) years.

17 (d) The expiration of any term shall be at the regular meeting of the trustees next follow-  
18 ing the election for the successor terms.

19 (2) Elections of trustees of community college districts shall be biennially in May of  
20 ~~even odd-numbered years and shall be held on a date authorized in section 34-106, Idaho Code.~~  
21 Vacancies on the board of trustees shall be filled by appointment by the remaining members,  
22 but if by reason of vacancies there remain on the board less than a majority of the required  
23 number of members, appointment to fill such vacancies shall be made by the state board of  
24 education. Any person so appointed shall serve until the next trustee election, at which time his  
25 successor shall be elected for the unexpired term. The trustees shall take and subscribe the oath  
26 of office required in the case of state officers and said oath shall be filed with the secretary of  
27 state.

28 (3) Notice of the election, the conduct thereof, the qualification of electors and the can-  
29 vass of returns shall be as prescribed in chapter 14, title 34, Idaho Code.

30 (4) The person or persons, equal in number to the number of trustees to be elected for  
31 regular or unexpired terms, receiving the largest number of votes shall be declared elected. An  
32 individual shall be a candidate for a specific position of the board and each candidate must  
33 declare which position he seeks on the board of trustees. If it be necessary to resolve a tie  
34 between two (2) or more persons, the board of trustees shall determine by lot which thereof  
35 shall be declared elected. The clerk of the board shall promptly notify any person by mail of  
36 his election, enclosing a form of oath to be subscribed by him as herein provided.

37 ~~(5) When elections held pursuant to this section coincide with other elections held by the~~  
38 ~~state of Idaho or any subdivision thereof, or any municipality or school district, the board of~~  
39 ~~trustees may make agreement with the body holding such election for joint boards of election~~  
40 ~~and the payment of fees and expenses of such boards of election on such proportionate basis as~~  
41 ~~may be agreed upon.~~

42 ~~(6)~~ At its first meeting following the appointment of the first board of trustees, and at the  
43 first regular meeting following any community college trustee election, the board shall organize,  
44 and shall elect one (1) of its members chairman, one (1) a vice-chairman; and shall elect a  
45 secretary and a treasurer, who may be members of the board; or one (1) person to serve as  
46 secretary and treasurer, who may be a member of the board.

(7) The board shall set a given day of a given week in each month as its regular meeting time. Three (3) members of the board shall constitute a quorum for the transaction of official business.

(8) The authority of trustees of community college districts shall be limited in the manner prescribed in section 33-507, Idaho Code.

SECTION 51. That Section 33-2111, Idaho Code, be, and the same is hereby amended to read as follows:

33-2111. TAXES AND OTHER FINANCIAL SUPPORT FOR COMMUNITY COLLEGES. For the maintenance and operation of each community college, in addition to the income from tuition paid by students as hereinbefore provided, the board of trustees may levy upon the taxable property within the district a tax not to exceed one hundred twenty-five thousandths percent (.125%) of the market value for assessment purposes on all taxable property within the district.

The tax levy determined by the board of trustees, within said limit, shall be certified to the board of county commissioners in each county in which the district may lie, not later than the second Monday in September of each year. No levy in excess of one hundred twenty-five thousandths percent (.125%) of the market value for assessment purposes on all taxable property within the district shall be made unless a supplemental levy in a specified amount be first authorized through an election held, as provided in ~~sections 33-401 through 33-406~~ title 34, Idaho Code, as if the community college district were a school district and approved by a majority of the district electors voting in such election.

SECTION 52. That Section 33-2715, Idaho Code, be, and the same is hereby amended to read as follows:

33-2715. BOARD OF TRUSTEES -- SELECTION -- NUMBER -- QUALIFICATIONS -- TERM -- OATH -- APPOINTMENT OF FIRST BOARD. (1) Each library district shall be governed by a board of trustees of five (5) members elected or appointed as provided by law, who at the time of their selection and during their terms of office shall be qualified electors of the district and if trustee zones have been established under section 33-2718, Idaho Code, shall be a resident of the trustee zone. ~~One (1) trustee~~ Trustees shall be elected at each ~~annual~~ trustee election, held on the uniform election date in May. The regular term of a trustee shall be for ~~five~~ six (6) years, or until his successor has been elected and qualified. Within ten (10) days after his appointment an appointed trustee shall qualify and assume the duties of his office. An elected trustee shall qualify and assume the duties of his office at the annual meeting. All trustees qualify by taking the oath of office required of state officers, to be administered by one (1) of the present trustees or by a trustee retiring.

(2) Following the initial establishment of a library district, the board of county commissioners of the home county within five (5) days shall appoint the members of the first board of trustees, who shall serve until the next ~~annual~~ election of trustees held in an odd-numbered year or until their successors are elected and qualified in an odd-numbered year. The initial election of trustees shall be for terms of ~~one (1), two (2), three (3), four (4) and five (5) years respectively~~ for two (2) trustees and thereafter their terms shall be for six (6) years, terms of six (6) years for two (2) trustees and thereafter their terms shall be for six (6) years, and a term of two (2) years for one (1) trustee and thereafter the term shall be for six (6) years. Addition of

new territory to an existing library district shall not be considered an initial establishment. The first board of trustees shall be sworn by a member of the board of county commissioners of the home county of the district.

(3) At its first meeting, and after each trustee election, the board shall organize and elect from its membership a chairman and other officers necessary to conduct the affairs of the district.

(4) Members of the board shall serve without salary but shall receive their actual and necessary expenses while engaged in business of the district.

(5) For the purpose of achieving an orderly transition to terms of six (6) years and to hold trustee elections in odd-numbered years, the following schedule shall be followed:

(a) For trustees elected in 2005, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(b) For trustees elected in 2006, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(c) For trustees elected in 2007, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(d) For trustees elected in 2008, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(e) For trustees elected in 2009, their terms shall expire in 2015 and the terms for each of those elected in 2015 shall each be six (6) years and thereafter those terms shall be for six (6) years.

SECTION 53. That Section 33-2716, Idaho Code, be, and the same is hereby amended to read as follows:

33-2716. BOARD OF TRUSTEES -- NOMINATION AND ELECTION -- RECALL -- VACANCIES. (1) The procedure for nomination and election of trustees of a library district shall be as provided for in chapter 14, title 34, Idaho Code, and in the general election laws of Idaho. If any two (2) or more candidates for the same trustee position have an equal number of votes, the board of trustees shall determine the winner by a toss of a coin.

(2) Notwithstanding the limitations of chapter 17, title 34, Idaho Code, each library district trustee shall be subject to recall following procedures as closely as possible to the procedures described for the recall of county commissioners pursuant to chapter 17, title 34, Idaho Code.

Individuals signing a petition to recall a library trustee or voting in an election to recall a library trustee shall meet the requirements of section 33-2702, Idaho Code.

If, pursuant to section 33-2717, Idaho Code, no election was held for the trustee being recalled:

(a) The number of district electors required to sign the petition seeking a recall election must be not less than fifty (50), or twenty percent (20%) of the number of votes cast in the last trustee election held in the library district, whichever is the greater.

(b) To recall any trustee, a majority of the votes cast at the recall election must be in favor of the recall, and additionally, the number of votes cast in the recall election must equal or exceed the number of votes cast in the last trustee election held in the library district.

(3) A vacancy shall be declared by the board of trustees when any nominee has been elected but has failed to qualify for office, or within thirty (30) days of when any trustees shall (a) die; (b) resign from office; (c) no longer reside in his respective trustee zone of residence; (d) no longer be a resident or qualified elector of the public library district; (e) refuse to serve as trustee; (f) without excuse acceptable to the board of trustees, fail to attend two (2) consecutive regular meetings of the board; or (g) be recalled and discharged from office as provided in this chapter.

A declaration of vacancy shall be made at any regular or special meeting of the board of trustees, at which any of the above-mentioned conditions is determined to exist.

The board of trustees shall appoint to fill the vacancy, a person qualified to serve as trustee of the public library district, provided there remains in membership on the board of trustees a majority of the membership thereof, and the board shall notify the board of library commissioners of the appointment. This appointment shall be made within sixty (60) days of the declaration of vacancy. In the event that the board of trustees fails to exercise their authority, appointments shall be made by the board of county commissioners of the home county in which the district is located within thirty (30) days after the expiration of the sixty (60) days allowed for trustees for this action.

Any person appointed as provided in this chapter shall serve until the next ~~annual~~ election of public library district trustees following the appointment. At the ~~annual~~ election a trustee shall be elected to complete the unexpired term of the office which was declared vacant filled by appointment.

The elected trustee shall assume office at the first annual meeting of the public library district following the election.

SECTION 54. That Section 33-2718, Idaho Code, be, and the same is hereby amended to read as follows:

33-2718. CREATION OF TRUSTEE ZONES. (1) Each library district may be divided into five (5) trustee zones with each zone having approximately the same population. To the maximum extent possible, boundaries of trustee zones shall follow the existing boundaries of the electoral precincts of the county. They shall be revised, as necessary, to equalize population and to follow new electoral precinct boundaries following the publication of the report of each decennial census. In order for a library district to be divided into trustee zones, the board of trustees shall pass a motion declaring the district to be divided into trustee zones and providing a legal description of each trustee zone. The board of trustees shall transmit the motion along with the legal description of the trustee zones to the board or boards of county commissioners in the county or counties where the library district is contained and to the board of library commissioners. The board or boards of county commissioners shall have forty-five (45) days from the receipt of the motion and legal description to reject, by adoption of a motion, the establishment of trustee zones proposed by formal motion of the board of trustees of the library district. If the board or boards of county commissioners do not reject the establishment of the trustee zones within the time limit specified, they shall be deemed to be in full force and effect.



1 If a library district is contained in more than one (1) county, a motion of rejection adopted by  
 2 one (1) board of county commissioners shall be sufficient to keep the trustee zone plan from  
 3 going into effect. A board of county commissioners shall notify the library board of trustees in  
 4 writing if a proposal is rejected.

5 (2) If a proposal for the establishment of trustee zones is rejected by a board of county  
 6 commissioners, the boundaries of the trustee zones, if any, shall return to the dimensions they  
 7 were before the rejection. Trustee zones may be redefined and changed, but not more than once  
 8 every two (2) years after a new set of trustee zones are formally established and in full force  
 9 and effect.

10 (3) At the next regular meeting of the board of trustees of the library district following  
 11 the creation of trustee zones, the public library district board shall appoint from its membership  
 12 or from other qualified electors resident in each trustee zone, a person from that zone to serve  
 13 as a trustee until the next regularly scheduled trustee election from that zone, which election  
 14 shall be held in an odd-numbered year. The initial election of trustees for the trustee zones  
 15 shall be for terms of one (1), two (2), three (3), four (4) and five (5) years respectively for two  
 16 (2) trustees and thereafter their terms shall be for six (6) years, terms of six (6) years for two  
 17 (2) trustees and thereafter their terms shall be for six (6) years, and a term of two (2) years for  
 18 one (1) trustee and thereafter the term shall be for six (6) years, with each zone being assigned  
 19 an initial term length by a random drawing of the numbers one (1) through five (5). Thereafter,  
 20 a trustee from each zone shall be elected once every five (5) years on a rotating basis with one  
 21 (1) zone voting each year. Only residents of the zone electing a trustee may vote. The elector  
 22 must be a resident of the same trustee zone as the candidate or candidates for library district  
 23 trustee for whom the elector offers to vote for at least thirty (30) days preceding the election in  
 24 which the elector desires to vote.

25 (4) For the purpose of achieving an orderly transition to terms of six (6) years and hold  
 26 trustee elections in odd-numbered years, the following schedule shall be followed:

27 (a) For trustees elected in 2005, their terms shall expire in 2011 and the terms for each of  
 28 those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six  
 29 (6) years;

30 (b) For trustees elected in 2006, their terms shall expire in 2011 and the terms for each of  
 31 those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six  
 32 (6) years;

33 (c) For trustees elected in 2007, their terms shall expire in 2013 and the terms for each of  
 34 those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six  
 35 (6) years;

36 (d) For trustees elected in 2008, their terms shall expire in 2013 and the terms for each of  
 37 those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six  
 38 (6) years;

39 (e) For trustees elected in 2009, their terms shall expire in 2015 and the terms for each of  
 40 those elected in 2015 shall each be six (6) years and thereafter those terms shall be for six  
 41 (6) years.

42 SECTION 55. That Section 34-106, Idaho Code, be, and the same is hereby amended to  
 43 read as follows:

34-106. LIMITATION UPON ELECTIONS. On and after January 1, ~~1994~~ 2011, notwithstanding any other provisions of the law to the contrary, there shall be no more than ~~four~~ two (42) elections conducted in any county in any calendar year, except as provided in this section, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

(1) The dates on which elections may be conducted are:

(a) ~~the first Tuesday in February of each year; and~~

~~(b) the fourth~~ third Tuesday in May of each year; and

~~(c) the first Tuesday in August of each year; and~~

~~(d)~~ (e) The Tuesday following the first Monday in November of each year.

~~(ec)~~ In addition to the elections specified in paragraphs (a) ~~through~~ and ~~(db)~~ of this subsection (1), an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property. Such a special election, if conducted by the county clerk, shall be conducted at the expense of the political subdivision submitting the question.

(2) Candidates for office elected in ~~February, May or August~~ shall take office on the date specified in the certificate of election but not more than sixty (60) days following the election.

(3) Candidates for office elected in November shall take office as provided in the constitution, or on January 1, next succeeding the November election.

(4) The governing board of each political subdivision subject to the provisions of this section, which, prior to January 1, ~~1994~~ 2011, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section, shall establish as the election date for that political subdivision the date authorized in subsection (1) of this section which falls nearest the date on which elections were previously conducted, unless another date is established by law.

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules, ~~regulations~~ or interpretations for the conduct of election authorized under the provisions of this section.

~~(6) School districts governed by title 33, Idaho Code, but not including community colleges governed by chapter 21, title 33, Idaho Code, and w~~ Water districts governed by chapter 6, title 42, Idaho Code, are exempt from the provisions of this section.

(7) Community colleges governed by chapter 21, title 33, Idaho Code, and school districts are subject to the limitations specified in subsection (1) of this section, except that school districts may also hold an election on the second Tuesday in March of each year and on the last Tuesday in August of each year on bonded indebtedness and property tax levy questions.

(8) Initiative, referendum, and recall, bond, levy and any other ballot question elections conducted by any political subdivision, except school districts, shall be held on the nearest date authorized in subsection (1) of this section which falls more than forty-five (45) days after the clerk of the political subdivision orders that such initiative, referendum or recall election shall be held, unless otherwise provided by law.

(9) Recall elections may be held on a different date as authorized in subsections (1) and (7), and on the second Tuesday of March and the last Tuesday of August, as determined by the county clerk after receipt of necessary petitions.

(10) Irrigation districts governed by title 43, Idaho Code, are subject to the limitations specified in subsection (1) of this section, except that irrigation districts may also hold an election on the first Tuesday in February of each year and on the first Tuesday in August of each year on questions required to be voted upon by title 43, Idaho Code.

SECTION 56. That Section 34-304, Idaho Code, be, and the same is hereby amended to read as follows:

34-304. CHALLENGERS -- WATCHERS. The county clerk shall, upon receipt of a written request, such request to be received no later than ~~five~~ twelve (~~5~~12) days prior to the day of election, direct that the election judges permit one (1) person authorized by each political party, if the election is a partisan election, to be at the polling place for the purpose of challenging voters, and shall, if requested, permit any one (1) person authorized by a candidate, several candidates or political party, to be present to serve as a watcher to observe the conduct of the election. Such authorization shall be evidenced by a writing signed by the county chairman and secretary of the political party, if the election is a partisan election, or by the candidate or candidates, and filed with the county clerk. Where the issue before the electors is other than the election of officers, the clerk shall, upon receipt of a written request, such request to be received no later than ~~five~~ twelve (~~5~~12) days prior to the date of voting on the issue or issues, direct that the election judges permit one (1) pro and one (1) con person to be at the polling place for the purpose of challenging voters and to observe the conduct of the election. Such authorization shall be evidenced in writing signed by the requesting person and shall state which position relative to the issue or issues the person represents. Persons who are authorized to serve as challengers or watchers shall wear a visible name tag which includes their respective titles. A watcher is entitled to observe any activity conducted at the location at which the watcher is serving, provided however, that the watcher does not interfere with the orderly conduct of the election. If the watchers are present at the polling place when ballots are counted they shall not absent themselves until the polls are closed. A watcher serving at a central counting station may be present at any time the station is open for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station. If the county clerk does not receive the list of names of those desired to be present for the purpose of either poll watching or challenging within the time prescribed above, the clerk shall not allow the presence of such persons later seeking to serve in those capacities.

SECTION 57. That Section 34-601, Idaho Code, be, and the same is hereby amended to read as follows:

34-601. DATES ON WHICH ELECTIONS SHALL BE HELD. Elections shall be held in this state on the following dates or times:

(1) A primary election shall be held on the ~~fourth~~ third Tuesday in May, ~~1980~~ 2012, and every two (2) years thereafter on the above-mentioned Tuesday.

(2) A general election shall be held on the first Tuesday after the first Monday of November, ~~1972~~ 2012, and every two (2) years thereafter on the above-mentioned Tuesday.

(3) Special state elections shall be held on the dates ordered by the governor's proclamation, or as otherwise provided by law.

(4) A presidential primary shall be held in conjunction with the primary election, on the ~~fourth~~ third Tuesday in May, ~~1980~~ 2012, and every four (4) years thereafter on the above-mentioned Tuesday.

SECTION 58. That Section 34-602, Idaho Code, be, and the same is hereby amended to read as follows:

34-602. PUBLICATION OF NOTICES FOR PRIMARY, GENERAL OR SPECIAL ELECTIONS -- CONTENTS. The several county clerks shall publish at least two (2) times, the notices for any primary, general or special election. The notice shall state the date of the election, the polling place in each precinct and the hours during which the polls shall be open for the purpose of voting, and information about the accessibility of the polling places.

The first notice shall be published at least twelve (12) days prior to any election and the second notice shall be published not later than five (5) days prior to the election. The notice of election shall be published in at least two (2) newspapers published within the county, but if this is not possible, the notice shall be published in one (1) newspaper published within the county or a newspaper which has general circulation within the county.

The second notice of election shall be accompanied by a facsimile, except as to size, of the sample ballot for the election.

SECTION 59. That Section 34-1401, Idaho Code, be, and the same is hereby amended to read as follows:

34-1401. ELECTION ADMINISTRATION. Notwithstanding any provision to the contrary, the ~~election official of each political subdivision~~ county clerk shall administer all elections on behalf of any political subdivision, subject to the provisions of this chapter, including all special district elections and elections of special questions submitted to the electors as provided in this chapter. ~~School districts governed by title 33, Idaho Code, and w~~ Water districts governed by chapter 6, title 42, Idaho Code, ground water recharge districts governed by chapter 42, title 42, Idaho Code, ground water management districts governed by chapter 51, title 42, Idaho Code, ground water districts governed by chapter 52, title 42, Idaho Code, and irrigation districts governed by title 43, Idaho Code, ground water districts governed by chapter 52, title 42, Idaho Code, and municipal elections governed by the provisions of chapter 4, title 50, Idaho Code, are exempt from the provisions of this chapter. All municipal, school district and highway district elections shall be conducted pursuant to the provisions of this chapter 14, title 50 ~~34, Idaho Code, except that they shall be governed by the elections dates authorized in section 34 106, Idaho Code, the registration procedures prescribed in section 34 1402, Idaho Code, and the time the polls are open pursuant to section 34 1409, Idaho Code. All highway district and school district elections shall be administered by the clerk of the county wherein the district lies. Elections in a joint school district shall be conducted jointly by the clerks of the respective counties, and the clerk of the home county shall exercise such powers as are necessary to coordinate the election.~~ For the purposes of achieving uniformity, the secretary of state shall, from time to time, provide directives and instructions to the various county clerks ~~and political subdivision election officials~~. Unless a specific exception is provided in this chapter, the provisions of this chapter shall govern in all questions regarding the conduct of elections on behalf of all political subdivisions. In all matters not specifically covered by this chapter, other

provisions of title 34, Idaho Code, governing elections shall prevail over any special provision which conflicts therewith.

~~A political subdivision may contract with the county clerk to~~ shall conduct ~~all or part~~ of the elections for ~~that~~ political subdivisions. ~~In the event of such a contract, the county clerk and~~ shall perform all necessary duties of the election official of a political subdivision including, but not limited to, notice of the filing deadline, notice of the election, and preparation of the election calendar.

SECTION 60. That Section 34-1404, Idaho Code, be, and the same is hereby amended to read as follows:

34-1404. DECLARATION OF CANDIDACY. Candidates for election in any political subdivision shall be nominated by nominating petitions, each of which shall bear the name of the nominee, the office for which the nomination is made, the term for which nomination is made, bear the signature of not less than five (5) electors of the candidate's specific zone or district of the political subdivision, and be filed with the election official of the political subdivision. The form of the nominating petition shall be as provided by the county clerk and shall be uniform for all political subdivisions. For an election to be held on the ~~fourth~~ third Tuesday in May, in even-numbered years, the nomination petition shall be filed during the period specified in section 34-704, Idaho Code. The election official shall verify the qualifications of the nominees and shall, no more than seven (7) days after the close of filing, certify the nominees and any special questions placed by action of the governing board of the political subdivision. For an election to be held on the first Tuesday after the first Monday of November, in even-numbered years, the nomination shall be filed on or before September 1. The election official shall verify the qualifications of the nominees, and shall not later than seven (7) days after the close of filing, certify the nominees and any special questions placed by action of the governing board of the political subdivisions. For all other elections, the nomination shall be filed not later than 5:00 p.m. on the sixth Friday preceding the election for which the nomination is made. The election official shall verify the qualifications of the nominee, and shall not more than seven (7) days following the filing certify the nominees and any special questions, placed by action of the governing board of the political subdivisions, to be placed on the ballot of the political subdivision.

SECTION 61. That Section 34-1405, Idaho Code, be, and the same is hereby amended to read as follows:

34-1405. NOTICE OF ELECTION FILING DEADLINE. (1) Not more than fourteen (14) nor less than seven (7) days preceding the candidate filing deadline for an election, the ~~election official of each political subdivision~~ county clerk shall cause to be published a notice of the forthcoming candidate filing deadline for all taxing districts. The notice shall include not less than the name of the political subdivision, the place where filing for each office takes place, and a notice of the availability of declarations of candidacy. The notice shall be published in the official newspaper of the political subdivision.

(2) The secretary of state shall compile an election calendar annually which shall include not less than a listing of the political subdivisions which will be conducting candidate elections in the forthcoming year, the place where filing for each office takes place, and the procedure for a declaration of candidacy. Annually in December, the county clerk shall cause to be published

1 the election calendar for the county for the following calendar year. ~~It shall be the duty of~~  
 2 ~~the election official of each political subdivision to notify the county clerk, not later than the~~  
 3 ~~last day of November, of any election for that political subdivision to occur during the next~~  
 4 ~~calendar year. In the event of failure to so notify the county clerk, the election official of the~~  
 5 ~~political subdivision shall cause to be published notice of the omitted election as soon as he~~  
 6 ~~is aware of the omission.~~ This publication shall be in addition to the publication required by  
 7 paragraph (1) of this section. The election calendar for the county shall be published in at least  
 8 two (2) newspapers published within the county, but if this is not possible, the calendar shall be  
 9 published in one (1) newspaper which has general circulation within the county. Copies of the  
 10 election calendar shall be available, without charge, from the office of the secretary of state or  
 11 the county clerk.

12 SECTION 62. That Section 34-1406, Idaho Code, be, and the same is hereby amended to  
 13 read as follows:

14 34-1406. NOTICE OF ELECTION. ~~The election official of each political subdivision~~  
 15 county clerk shall give notice for each political subdivision for any election by publishing such  
 16 notice in the official newspaper of the political subdivision county. The notice shall state the  
 17 date of the election, the polling places, and the hours during which the polls shall be open  
 18 for the purpose of voting. The first publication shall be made not less than twelve (12) days  
 19 prior to the election, and the last publication of notice shall be made not less than five (5)  
 20 days prior to the election. For each primary, general and special election, the county clerk  
 21 shall cause to be published a facsimile, except as to size, of the sample ballot in at least two  
 22 (2) newspapers published within the county, but if this is not possible, the sample ballot shall  
 23 be published in one (1) newspaper published within the county or one (1) newspaper that has  
 24 general circulation within the county. Such publication shall be in conjunction with the second  
 25 notice of election required by this section. The political subdivision shall notify the county  
 26 clerk in writing of the county's newspaper.

27 SECTION 63. That Chapter 14, Title 34, Idaho Code, be, and the same is hereby  
 28 amended by the addition thereto of a NEW SECTION, to be known and designated as Sec-  
 29 tion 34-1411, Idaho Code, and to read as follows:

30 34-1411. PAYMENT OF ELECTION EXPENSES BY COUNTY. (1) On and after Jan-  
 31 uary 1, 2011, no county shall charge any taxing district, as defined in section 63-201, Idaho  
 32 Code, for expenses associated with conducting any election on behalf of any taxing district,  
 33 with the exception of expenses associated with conducting municipal runoff elections, which  
 34 shall be paid by the city adopting runoff elections pursuant to the provisions of section 50-612  
 35 or 50-707B, Idaho Code. Expenses associated with conducting taxing district elections shall  
 36 include:

- 37 (a) Costs of ballot preparation, distribution, printing and counting, including absentee
- 38 ballots.
- 39 (b) Costs of printing poll books and costs of tally books, stamps, signs and any other
- 40 voting supplies, publications and equipment.
- 41 (c) Wages or other compensation for election judges and clerks or any county employees
- 42 or officials performing duties associated with conducting taxing district elections.
- 43 (d) Costs paid for renting polling facilities.

(e) Acquisition, repair, maintenance or any other costs associated with voting machines or vote tally systems as defined in subsections (9) and (10) of section 34-2401, Idaho Code.

(f) Costs of publishing and printing election notices and ballots.

(2) Counties shall not be responsible for any election expenses prior to the time any taxing district orders an election, such as notice and costs for public hearings and notice and costs for public hearings on ballot measures.

(3) Notwithstanding the provisions of subsection (1) of this section, all ballot questions shall be limited to two hundred fifty (250) words or less. If a ballot question is in excess of two hundred fifty (250) words, the entity proposing a ballot question that is not a state constitutional amendment shall be required to pay the ballot printing costs associated with the ballot question.

SECTION 64. That Section 34-2301, Idaho Code, be, and the same is hereby amended to read as follows:

34-2301. APPLICATION FOR RECOUNT OF BALLOTS. Any candidate for federal, state, ~~or~~ county or municipal office desiring a recount of the ballots cast in any nominating or general election may apply to the attorney general therefor, within twenty (20) days of the canvass of such election, by the state board of canvassers if for federal and state office, or within twenty (20) days of the canvass of such election by the county commissioners if for a county or municipal office.

SECTION 65. That Section 39-1324, Idaho Code, be, and the same is hereby amended to read as follows:

39-1324. ELECTION -- MANNER OF CONDUCTING. Such election shall be held and conducted in accordance with the general election laws of the state, including the provisions of chapter 14, title 33~~4~~, Idaho Code.

The board of county commissioners shall establish as many election precincts within such proposed district as may be necessary, and define the boundaries thereof, ~~which said precincts may thereafter be changed by the hospital board of such district in case such district be organized. Said board of~~ The county ~~commissioners~~ clerk shall ~~also~~ appoint ~~three (3)~~ judges of election, one (1) of whom shall act as clerk for each such election precinct who shall perform the same duties as judges of election under the general laws of the state, and the result of such election shall be certified, canvassed and declared by the board of county commissioners. The reasonable compensation of said judges and clerks of election, and the expenses of publication of notices, printing of ballots and furnishing of supplies for the election shall be paid by the petitioners, and to this end the board of county commissioners are empowered to require the deposit of all estimated costs in advance of such election.

SECTION 66. That Section 39-1325A, Idaho Code, be, and the same is hereby amended to read as follows:

39-1325A. PETITIONS FOR DISSOLUTION OF HOSPITAL DISTRICTS. (1) Proceedings for the dissolution of a hospital district may be initiated by a petition containing the signatures of qualified electors of the district or owners of property within the district equal in

number to ten percent (10%) of the qualified electors and taxpayers of the district, the same percentage required for the organization of the district, but not earlier than four (4) years after the date of its establishment.

(2) The petition, when completed and verified, shall be filed with the clerk of the court of the county or counties if more than one (1) county is involved. The county ~~commissioners~~ clerk shall publish notice and the county commissioners shall hold a hearing on the matter. If necessary, they shall hold an election, subject to the provisions of section 34-106, Idaho Code, on the matter. The hearing and election shall be held in accordance with the terms and provisions of ~~sections 40-1803 through 40-1809~~ title 34, Idaho Code. The disposition of hospital district assets on dissolution and the provision for payment of district indebtedness shall be made in accordance with the provisions of sections 63-4105 and 63-4106, Idaho Code.

(3) If the hospital district embraces territory in more than one (1) county, an election for its dissolution shall be deemed approved only if a majority of the votes cast in each such county were cast in the affirmative. If, upon the canvass of ballots, it be determined that the proposition has been approved, the board of county commissioners of each county shall enter its order to that effect, subject to the provisions of section 39-1325C, Idaho Code, and the order shall by them be made a matter of record.

SECTION 67. That Section 39-1330, Idaho Code, be, and the same is hereby amended to read as follows:

39-1330. BIENNIAL ELECTION OF BOARD MEMBERS -- TERMS OF OFFICE. On the ~~first third~~ first third Tuesday of ~~February~~ May in the ~~second~~ next odd-numbered calendar year after the organization of any district, and on the ~~first third~~ first third Tuesday of ~~February~~ May every second year thereafter, an election shall be held which shall be known as the biennial election of the district. ~~Prior to January 1, 1997, a board may, by resolution adopted at a regular meeting of the board, designate the fourth Tuesday in May as the election date of the district.~~

At the first biennial election in any district hereafter organized and each sixth year thereafter there shall be elected by the qualified electors of the district three (3) members of the board to serve for a term of six (6) years; at the second biennial election and each sixth year thereafter there shall be elected two (2) members of the board to serve for a term of six (6) years; at the third biennial election and each sixth year thereafter there shall be elected two (2) members of the board to serve for terms of six (6) years.

~~thirty (-) sixty (-)~~ Nominations may be filed with the secretary of the board not later than the sixth Friday preceding the election for which the nomination is made, and if a nominee does not withdraw his name before the first publication of the notice of election, his name shall be placed on the ballot. The ~~board~~ county clerk shall provide for holding such elections and shall appoint judges to conduct it; the ~~secretary of the district~~ county clerk shall give notice of election by publication and shall arrange such other details in connection therewith as the board may direct. The returns of the election shall be certified to and shall be canvassed and declared by the board of county commissioners. The candidate or candidates according to the number of directors to be elected, receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as members of the first board qualify.

In any election for director, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated for a director's position, it shall not be necessary for the candidate to stand for election, and the board



1 of directors of the district shall declare such candidate elected as a director, and the secretary  
 2 of the board of the district shall immediately make and deliver to such person a certificate of  
 3 election.

4 SECTION 68. That Section 39-1339, Idaho Code, be, and the same is hereby amended to  
 5 read as follows:

6 39-1339. CREATION OF INDEBTEDNESS FOR WORKS, IMPROVEMENTS OR  
 7 EQUIPMENT -- ELECTION ON PROPOSED INDEBTEDNESS. Whenever the board of the  
 8 hospital district shall by resolution, determine that the interest of said district and the public  
 9 interest or necessity demand, the acquisition, construction, installation, or completion of any  
 10 works or other improvements of facilities or the construction, installation and maintenance of a  
 11 hospital, hospital grounds, medical clinic, nursing home, nurses' quarters and other structural  
 12 components or fixtures, or for the enlargement, improvement and acquisition of existing  
 13 hospital, hospital grounds, medical clinic, nursing home, nurses' quarters and other structural  
 14 components or fixtures, or the making of any contract with the United States or other persons  
 15 or corporations, public or private, municipalities or governmental subdivisions to carry out the  
 16 said public works, acquisitions, improvements, objects or purposes of said district requiring  
 17 the creation of an indebtedness of one hundred thousand dollars (\$100,000) or more, and in  
 18 any event when the indebtedness will exceed the income and revenue provided for the year,  
 19 the board shall order the submission of the proposition of issuing such obligations or bonds or  
 20 creating other indebtedness to the qualified electors of the district at an election held, subject  
 21 to the provisions of section 34-106, Idaho Code, for that purpose; whenever the board of the  
 22 hospital district shall by resolution determine that the interest of said district and the public  
 23 interest or necessity demand the acquisition of medical or business equipment for said district  
 24 requiring the creation of an indebtedness of one hundred thousand dollars (\$100,000) or more  
 25 and, in any event, when the indebtedness will exceed the income and revenue as provided for  
 26 the year, the board shall order the submission of the proposition of creating such indebtedness  
 27 to the qualified electors of the district at an election, subject to the provisions of section 34-106,  
 28 Idaho Code, held for that purpose; provided, however, that no election shall be required for  
 29 any lease or other transaction entered into between the hospital district and the Idaho health  
 30 facilities authority. Notwithstanding any other provision, the hospital district shall be entitled  
 31 to enter into a lease or other transaction regardless of the amount involved with the Idaho  
 32 health facilities authority upon determination by the board of the hospital district that it is in the  
 33 interest of the hospital district and best interests of the public to enter into such lease or other  
 34 transaction. The declaration of public interest or necessity, herein required, and the provision  
 35 for the holding of such election may be included within one (1) and the same resolution, which  
 36 resolution, in addition to such declaration of public interest or necessity shall recite the objects  
 37 and purposes for which the indebtedness is proposed to be incurred, the estimated costs of the  
 38 works, improvements, or medical or business equipment, as the case may be, the amount of  
 39 principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be  
 40 paid on such indebtedness. Such resolutions shall also fix the date upon which such election  
 41 shall be held, and the manner of holding the same in accordance with the provisions of title 34,  
 42 Idaho Code, and the method of voting for or against the incurring of the proposed indebtedness;  
 43 such resolution shall ~~also fix the compensation to be paid the officers of the election and shall~~  
 44 designate the polling place or places and the county clerk shall appoint ~~for each polling place,~~

1 ~~from the qualified electors of the district, the officers of such election, consisting of three (3)~~  
 2 ~~judges, one (1) of whom shall act as the clerk,~~ provided, however, that no district shall issue  
 3 or have outstanding its coupon bonds in excess of two percent (2%) of the market value for  
 4 assessment purposes of the real and personal property within the said district, according to the  
 5 assessment of the year preceding any such issuance of such evidence of indebtedness for any or  
 6 all of the propositions specified in this election, provided, however, that such bonds shall not  
 7 be issued, nor shall any indebtedness be incurred, at any time that there shall be a bond issue  
 8 outstanding and unpaid for the construction, acquisition or maintenance of a county hospital in  
 9 the county in which such district is organized.

10 SECTION 69. That Section 39-1340, Idaho Code, be, and the same is hereby amended to  
 11 read as follows:

12 39-1340. NOTICES OF ELECTION ON PROPOSED INDEBTEDNESS. When such  
 13 election is ordered to be held, subject to the provisions of section 34-106, Idaho Code, the  
 14 board shall direct the county clerk as provided in section 34-1406, Idaho Code, to give notice  
 15 by publication once not less than twelve (12) days prior to the election and a second time not  
 16 less than five (5) days prior to the election published in one (1) or more newspapers within the  
 17 district, if a newspaper is published therein. Said notices shall recite the action of the board  
 18 in deciding to bond the district, the purpose thereof and the amount of the bonds supposed to  
 19 be issued, the estimated costs of the works or improvements as the case may be, the amount  
 20 of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be  
 21 paid on such indebtedness, and shall also specify the date of the election; and the time during  
 22 which the polls shall be open. Notices shall also ~~name the place holding the election~~ list the  
 23 polling places.

24 SECTION 70. That Section 39-1341, Idaho Code, be, and the same is hereby amended to  
 25 read as follows:

26 39-1341. CONDUCT OF ELECTION FOR PROPOSED INDEBTEDNESS. The ~~elec-~~  
 27 ~~tion board or boards~~ county clerk shall conduct the election in a manner prescribed by law ~~for~~  
 28 ~~the holding of general elections and shall take their returns to the secretary of the district at~~  
 29 ~~any regular or special meeting of the board held within five (5) days following the date of such~~  
 30 ~~election~~ in title 34, Idaho Code. The returns thereof shall be canvassed and the results thereof  
 31 shall be declared by the board of county commissioners.

32 SECTION 71. That Section 40-206, Idaho Code, be, and the same is hereby amended to  
 33 read as follows:

34 40-206. PUBLICATION OF NOTICES. Whenever publication of a notice by a county  
 35 highway system or highway district is required for an override or bond election, or a hearing,  
 36 it shall appear in a newspaper printed and published within the district or county, or in some  
 37 newspaper of general circulation in the county or district, and the notice shall be published as  
 38 follows:

39 (1) The publication of notice for an override or bond election shall be published ~~at least~~  
 40 ~~three (3) times in a weekly newspaper or at least six (6) consecutive times in a daily newspaper.~~  
 41 ~~The last notice shall be published not less than five (5) days prior to an override or bond elec-~~

tion, ~~except as otherwise specifically provided in this title~~ as provided for in section 34-1406, Idaho Code.

(2) The publication of notice for a hearing shall be published at least one (1) time in a weekly newspaper or at least two (2) consecutive times in a daily newspaper and remain the responsibility of the political subdivision proposing such hearing. The last notice shall be published not less than five (5) days prior to the hearing, except as otherwise specifically provided in this title.

SECTION 72. That Section 40-819, Idaho Code, be, and the same is hereby amended to read as follows:

40-819. ELECTION TO INCREASE LEVY -- NOTICE. (1) Whenever the levies provided by law to be made by highway district commissioners will not, in the opinion of the highway district commissioners, produce a sufficient amount of money for the use of the highway district for their purposes, the highway district board may by order authorize the holding of an election within the highway district, at which election the voters may determine whether or not any levy for any purpose authorized by law for highway districts shall be increased to produce revenues for those purposes. If at the election the majority of the qualified voters shall vote in favor of increasing any of the levies, the levies may be increased. The increase shall not exceed an additional twenty ~~per cent~~ percent (20%) of the levy authorized by law for that purpose.

(2) The highway district commissioners shall designate the ~~time and place of holding date of the election that is in accordance with the dates authorized in section 34-106, Idaho Code, and which shall be held within the highway district. The election shall be held between the fifteenth of June and the fifteenth of August of the year in which the levy is to be made.~~ Notice of the election shall be given by ~~posting notices in three (3) public places within the highway district at least fifteen (15) days prior to the election and by publishing the notice the county clerk in accordance with the provisions of title 34, Idaho Code, and section 40-206, Idaho Code.~~ The notice shall state:

- (a) The time and place of holding the election;
- (b) The amount of money which the levy authorized by law to be made by the highway district commissioners will produce;
- (c) The amount of money in excess of each of the levies desired to be raised by the highway district commissioners, and generally the purpose for which the additional money is to be used;
- (d) If at the election a majority of the qualified voters voting vote in favor of increasing the levy that the levy may be increased in an amount not exceeding twenty ~~per cent~~ percent (20%) of the levy provided by law; and
- (e) The additional levy, if authorized by a majority vote at the election, will when added to the levy provided by law provide sufficient money for the particular purpose of which the levy is authorized.

SECTION 73. That Section 40-1101, Idaho Code, be, and the same is hereby amended to read as follows:

40-1101. BONDS -- FUNDING. Every highway district is granted the authority under article VIII of the Idaho constitution to issue negotiable coupon bonds for construction, im-

1    improvements or repairs of any highways or structures in the district; for the purchase of material  
 2    and machinery; for contracting highway engineering and construction; for the necessary ex-  
 3    penses of the district in connection with these purposes; or for any or all of these or connected  
 4    purposes. Every highway district is also granted the authority by resolution of its board of  
 5    commissioners, without election, to issue negotiable coupon bonds for the purposes of funding  
 6    or refunding any existing indebtedness, whether the indebtedness exists as warrant indebtedness  
 7    or otherwise. Where an election is required under the provisions of article VIII of the Idaho  
 8    constitution to authorize a bond issue, the election may be ~~a special election or it may be~~  
 9    held with other elections. Elections shall be conducted, ~~as nearly as possible,~~ by the county clerk  
 10    in the same manner as county elections pursuant to title 34, Idaho Code. Authorization for the  
 11    issuance, sale and redemption of bonds other than funding or refunding existing indebtedness,  
 12    shall be as provided by chapter 2, title 57, Idaho Code. The total amount of bonds any district  
 13    has issued and outstanding at any time shall not exceed two ~~per cent~~ percent (2%) of the mar-  
 14    ket value for assessment purposes of all the taxable property in the district as shown by the last  
 15    preceding assessment list.

16        SECTION 74. That Section 40-1304, Idaho Code, be, and the same is hereby amended to  
 17    read as follows:

18        40-1304. DIVISION OF DISTRICTS INTO SUBDISTRICTS -- VACANCY IN OF-  
 19    FICE OF HIGHWAY COMMISSIONER. (1) At the meeting of the county commissioners at  
 20    which the highway district is declared organized, the commissioners shall divide the highway  
 21    district into three (3) subdistricts, as nearly equal in population, area and mileage as practicable,  
 22    to be known as highway commissioners subdistricts one, two and three. Subdistricts may be  
 23    revised or modified by the highway district commissioners as changes in conditions demand.  
 24    Not more than one (1) of the highway district commissioners shall be an elector of the same  
 25    highway subdistrict. The first highway district commissioners appointed by the governor shall  
 26    serve until the next highway district election, at which their successors shall be elected. The  
 27    highway commissioners shall take office on ~~October 1~~ the date specified in the certificate of  
 28    election but not more than sixty (60) days following their election.

29        (2) Any vacancy occurring in the office of highway commissioner, other than by expira-  
 30    tion of the term of office, shall be determined by the remaining highway district commissioners  
 31    using the criteria established in section 59-901, Idaho Code. If it is determined that a vacancy  
 32    has occurred, the commissioners shall declare there is a vacancy and such vacancy shall be  
 33    filled by the highway district board and be for the balance of the term of the person replaced.  
 34    If the remaining highway district commissioners are unable to agree on a person to fill the va-  
 35    cancy within ten (10) days after the vacancy occurs, the chairman of the county commissioners  
 36    of the county with the largest number of electors in the highway district shall then become a  
 37    member of the highway district board for the purpose of filling the vacancy only. If a major-  
 38    ity of the highway district board so constituted shall be unable to agree upon a person to fill  
 39    the vacancy within ten (10) days, or if two (2) or more vacancies shall occur in the board of  
 40    highway commissioners at one (1) time, a special election to fill the vacancy shall be called  
 41    and held in the same manner provided by law for the holding of elections for highway commis-  
 42    sioners, except that the date of the election shall be as soon as possible, and all duties imposed  
 43    by law upon the highway district board in connection with elections shall be performed by the  
 44    county commissioners.

(3) When there are two (2) or more vacancies on the highway district board at the same time, the chairman of the county commissioners along with the additional county commissioners that the county commission chairman appoints, and with the remaining highway district commissioner, if applicable, shall constitute a temporary board of highway district commissioners. The temporary board of highway district commissioners shall perform the duties required by law of a highway district board of commissioners until the newly elected highway commissioners take office.

SECTION 75. That Section 40-1305, Idaho Code, be, and the same is hereby amended to read as follows:

40-1305. ELECTION OF HIGHWAY COMMISSIONERS -- TERM OF OFFICE. (1) On the ~~first~~ third Tuesday of ~~August~~ May of the next odd-numbered year following the appointment of the first highway district commissioners, commissioners from subdistricts one and two shall be elected for a term of two (2) years. Thereafter the term of office of all commissioners shall be four (4) years. ~~Highway district commissioners elected prior to January 1, 1994, for a term to expire on January 1, 1996, shall continue in office until October 1, 1995. Highway district commissioners elected prior to January 1, 1994, for a term to expire on January 1, 1998, shall continue in office until October 1, 1997. Elections for commissioners of each of the subdistricts shall continue on the schedule previously established.~~

(2) Alternative election of highway commissioners -- Term of office.

(a) Notwithstanding subsection (1) of this section, highway district commissioners may, upon the unanimous agreement of the existing board of highway district commissioners, adopt an alternative term of office, whereby a single highway district commissioner shall be elected each year for three (3) years and in the fourth year no election shall be held.

(b) An election pursuant to paragraph (a) of this subsection shall be conducted in the following manner:

(i) The commissioner representing subdistrict one shall be elected for a term of four (4) years upon the expiration of the existing term;

(ii) The commissioner representing subdistrict two shall be elected for a term of five (5) years upon the expiration of the existing term; and

(iii) Each year thereafter, one (1) commissioner shall be elected, except for the fourth year when no election shall be held.

(c) If an alternative election is held pursuant to this subsection, the highway district shall not revert to the former manner of elections and terms of office until eight (8) years after such election.

Each highway commissioner shall be elected on a ~~district-wide~~ districtwide basis.

SECTION 76. That Section 40-1305A, Idaho Code, be, and the same is hereby amended to read as follows:

40-1305A. ELECTION ADMINISTRATION. Highway district elections shall be conducted in accordance with the general laws of the state, including the provisions of chapter 14, title 34, Idaho Code. The county commissioners shall select polling places and the county clerk shall appoint an election official and election judges and clerks and set their compensation.

~~Highway districts may contract with the county clerk to shall conduct all or part of the elections for a highway district. In the event of such a contract, the county clerk and shall~~

perform all necessary duties of the election official of a highway district ~~including, but not limited to, notice of the filing deadline, notice of the election, and preparation of the election calendar.~~

SECTION 77. That Section 40-1402, Idaho Code, be, and the same is hereby repealed.

SECTION 78. That Section 40-1409, Idaho Code, be, and the same is hereby amended to read as follows:

40-1409. EXPENSES OF ELECTION ~~— PRORATION TO EXISTING SYSTEMS AND DISTRICTS — APPEALS.~~ In all counties where elections are held under the provisions of this chapter, county commissioners shall pay expenses of the elections from the general election fund of the county. ~~The expense shall be prorated by the commissioners according to the mileage, market value for assessment purposes, and the population to city highway systems, highway districts, and the county, and upon certification of this pro rata share by the commissioners, that share shall be paid to the county. Any appeals shall follow the appeals procedure set forth in section 40-1705, Idaho Code, for appeals from readjustment of district borders.~~

SECTION 79. That Section 40-1416, Idaho Code, be, and the same is hereby amended to read as follows:

40-1416. AUTHORIZATION FOR VOTERS TO APPROVE VEHICLE REGISTRATION FEE. (1) Notwithstanding the provisions of section 49-207, Idaho Code, the voters of any county in which a ~~county-wide~~ countywide highway district is organized pursuant to chapter 14, title 40, Idaho Code, may authorize the ~~county-wide~~ countywide highway district to adopt a resolution by a majority vote of the ~~county-wide~~ countywide highway district commissioners to implement and collect a motor vehicle registration fee not to exceed two (2) times the amount established in section 49-402, Idaho Code. The authorization to adopt, implement, and collect a vehicle registration fee may be made by the registered voters of the county only at a general election held in even-numbered years, and a simple majority of the votes cast on the question shall be necessary to authorize the fee.

(2) In any election, the resolution submitted to the county voters shall:

(a) State the exact rate of the fee; and

(b) State the duration of the fee.

No rate shall be increased and no duration shall be extended without the approval of the voters, by the same simple majority of the votes cast.

An election to approve or disapprove the adoption of a vehicle registration fee may be called for by the adoption of a resolution by a majority vote of the ~~county-wide~~ countywide highway district commissioners. Any costs incurred to conduct the election for the district ~~shall be a charge against the district, and~~ shall be paid by the ~~district~~ county.

(3) Any ~~county-wide~~ countywide highway district authorized to adopt a resolution for a vehicle registration fee shall contract with the department for the collection, distribution, and administration of the fee in like manner, and under the definitions, ~~and rules, and regulations~~ for the collection and administration of other registration fees as set forth in chapter 4, title 49, Idaho Code. Monthly, following receipt by the department of revenues from the implementation of a vehicle registration fee, the department shall remit the same to the ~~county-wide~~

1 countywide highway district implementing such fee, less a deduction for such amount as may  
 2 be agreed upon between the department and the commissioners of the ~~county-wide~~ countywide  
 3 highway district, for the department's actual costs for collection and administration of the fee.  
 4 The vehicle registration fee shall not become part of the state highway account or state highway  
 5 distribution account.

6 (4) The ~~county-wide~~ countywide highway district must use the funds generated by a  
 7 vehicle registration fee exclusively for the construction, repair, maintenance, and traffic super-  
 8 vision of the highways within its jurisdiction, and the payment of interest and principal of  
 9 obligations incurred for said purposes.

10 (5) Sections 49-405, 49-408, 49-416, 49-404, 49-409, 49-415, and 49-410, Idaho Code,  
 11 shall be subject to the provisions of this ~~code~~ section.

12 SECTION 80. That Section 40-1418, Idaho Code, be, and the same is hereby amended to  
 13 read as follows:

14 40-1418. PROCEEDINGS FOR DISSOLUTION OF EXISTING SINGLE COUNTY-  
 15 WIDE HIGHWAY DISTRICT. All proceedings for the dissolution of single countywide high-  
 16 way districts shall be initiated by a petition of ten percent (10%) or more of the qualified  
 17 electors residing in each of the county commissioner subdistricts, addressed to the commission-  
 18 ers of the county in which the single countywide highway district is situate, and which shall  
 19 concisely state the grounds or reasons for the dissolution and contain a request for a hearing of  
 20 the petition. A hearing on the petition shall be conducted pursuant to sections 40-1803 through  
 21 40-1805, Idaho Code. Following the hearing on the petition, the election and process for disso-  
 22 lution shall be conducted as provided in ~~sections 40-1806 through 40-1821~~ title 34, Idaho Code.  
 23 The election shall be held at the next general election and in the event a majority of the quali-  
 24 fied electors at the election vote in favor of dissolution, the commission shall immediately make  
 25 and enter an order declaring the single countywide highway district dissolved.

26 SECTION 81. That Section 40-1506, Idaho Code, be, and the same is hereby amended to  
 27 read as follows:

28 40-1506. POLLING PLACES -- ELECTION OFFICERS. The commissioners of each  
 29 county concerned shall meet within thirty (30) days, in either special or regular session and, by  
 30 order, enter in their minutes and designate the polling places in each of the concerned highway  
 31 districts situated in the county, and the county clerk shall appoint ~~two (2) or more judges and~~  
 32 ~~one (1) or more clerks for each polling place, who shall possess the qualifications necessary~~  
 33 ~~to entitle them to vote at an election of highway district commissioners in the highway district~~  
 34 ~~proposed for consolidation.~~

35 SECTION 82. That Section 40-1507, Idaho Code, be, and the same is hereby amended to  
 36 read as follows:

37 40-1507. NOTICE OF ELECTION -- PUBLICATION AND CONTENTS. The com-  
 38 missioners of each county shall require its county clerk to give notice of the election ~~by causing~~  
 39 ~~notices to be posted in at least three (3) public places within each of the highway districts situ-~~  
 40 ~~ated within the county and concerned in the proposed consolidation for at least twenty one (21)~~  
 41 ~~days prior to the date of election, and in addition to the posting, shall cause a copy of the notice~~

1 ~~to be published~~ in accordance with the provisions of ~~section 40-206~~ title 34, Idaho Code. ~~The~~  
 2 In addition, the notice shall state the purpose and date of the election, the hours during which  
 3 the polls shall be open and list the polling places ~~and the qualifications required of voters,~~ in  
 4 addition to the following: the name and general description of the respective highway districts  
 5 proposed to be consolidated; the market value for assessment purposes of all the property situ-  
 6 ated in each of the concerned highway districts, as shown by the last county assessment rolls;  
 7 the total bonded and current warrant and other indebtedness of each of the highway districts;  
 8 the preceding ~~ad valorem~~ property highway tax levy of each of the highway districts; and the  
 9 total bonded and current warrant and other indebtedness of the proposed consolidated highway  
 10 district.

11 SECTION 83. That Section 40-1508, Idaho Code, be, and the same is hereby amended to  
 12 read as follows:

13 40-1508. ~~SEPARATE~~ ELECTIONS -- TIME OF HOLDING. An election held under  
 14 the provisions of this chapter shall be ~~separate and distinct~~ held in each of the highway districts  
 15 and counties affected by the proposed consolidation and shall be held on the same day and  
 16 ~~between the hours of 8:00 a.m. and 8:00 p.m.~~ conducted in accordance with the provisions of  
 17 title 34, Idaho Code.

18 SECTION 84. That Section 40-1511, Idaho Code, be, and the same is hereby amended to  
 19 read as follows:

20 40-1511. COUNT OF VOTES -- ~~RETURN OF ELECTION~~ -- CANVASS -- ORDER  
 21 FOR CONSOLIDATION. Immediately following the close of the polls ~~the boards of election~~  
 22 ~~shall compute the result of the election making the count in public view, and upon completion~~  
 23 ~~shall make a return of the election to the clerk of the commissioners of their respective coun-~~  
 24 ~~ties, upon forms to be supplied by the clerk, and shall transmit with the returns all ballots cast~~  
 25 ~~at the election, whether or not the ballots were counted by the election board or rejected by~~  
 26 ~~them. At the earliest possible date thereafter, the~~ votes shall be counted in accordance with the  
 27 provisions of title 34, Idaho Code. The board of county commissioners shall meet separately at  
 28 their respective county seats and pursuant to chapter 12, title 34, Idaho Code, and canvass the  
 29 returns of the election boards within their counties each county. Within fifteen (15) days after  
 30 the canvass, the commissioners shall meet in joint session at a location as shall be agreed upon  
 31 by them and compile the total votes cast in their respective counties for or against the proposal  
 32 to consolidate the highway districts concerned. If the proposal carried in each of the highway  
 33 districts concerned, the county commissioners in the joint meeting shall make and enter an or-  
 34 der declaring the districts consolidated in one (1) highway district of a name or designation as  
 35 may be ordered by them, and at that time the consolidation shall be effective. The highway  
 36 districts having been consolidated shall remain in operation, with all legal authority of a high-  
 37 way district, until the newly appointed highway commissioners of the consolidated highway  
 38 district meet and organize as provided in this chapter.

39 SECTION 85. That Section 40-1519, Idaho Code, be, and the same is hereby amended to  
 40 read as follows:



1        40-1519. EXPENSES OF ELECTION ~~— PRORATION TO HIGHWAY DISTRICTS —~~  
 2 ~~APPEALS.~~ In all counties where highway district consolidation elections are held under the  
 3 provisions of this chapter, county commissioners shall pay expenses of the elections from the  
 4 general election fund of the county. ~~The expenses shall be prorated by the commissioners~~  
 5 ~~according to the mileage and market value for assessment purposes of each of the highway~~  
 6 ~~districts involved, and upon certification of this pro rata share by the county commissioners,~~  
 7 ~~that share shall be paid to the county from funds of the appropriate highway district. Any~~  
 8 ~~appeals shall follow the appeals procedure set forth in section 40-1706, Idaho Code.~~

9        SECTION 86. That Section 40-1605, Idaho Code, be, and the same is hereby amended to  
 10 read as follows:

11        40-1605. HEARING -- ORDER FOR ELECTION. At the time and place specified in  
 12 the notice, the commissioners shall proceed to consider the petition and all written objections  
 13 filed with them and shall hear all persons in relation to it. Upon the conclusion of the hearing,  
 14 which may be continued from day to day, if the commissioners shall determine that the detach-  
 15 ment from the highway district of the territory described in the petition is practicable and to  
 16 the best interests of the territory and of the highway district, they shall enter an order directing  
 17 that the question of the detachment of the territory be submitted to the qualified electors of the  
 18 district at an election to be held within the district ~~at~~ on a date authorized in section 34-106,  
 19 Idaho Code, which is not less than thirty (30) nor more than sixty (60) days from and after the  
 20 date of the order.

21        SECTION 87. That Section 40-1606, Idaho Code, be, and the same is hereby amended to  
 22 read as follows:

23        40-1606. ELECTION OFFICERS AND POLLING DISTRICTS -- NOTICE OF ELEC-  
 24 TION. ~~The commissioners at the same time county clerk shall appoint two (2) or more judges~~  
 25 ~~and one (1) or more clerks for the election who shall be chosen from the electors of the district;~~  
 26 the commissioners shall also by order establish polling places; and the county clerk shall direct  
 27 their clerk to cause provide notice of the election to be given by posting notices in at least three  
 28 (3) public places within the district, one of which shall be on the front door of the office of  
 29 the district, and in addition shall publish a copy of the notice in accordance with the provisions  
 30 of section 40-206 34-1406, Idaho Code. The notice shall state the date and purpose of the  
 31 election, the boundaries of the territory proposed to be detached from the highway district, the  
 32 places of holding the election, the various polling districts if the election is to be held in more  
 33 than one (1) place, the qualifications required of voters, and the hours during which the polls  
 34 shall be open, which shall be between the hours of 1:00 p.m. and 7:00 p.m.

35        SECTION 88. That Section 40-1607, Idaho Code, be, and the same is hereby amended to  
 36 read as follows:

37        40-1607. ELECTION PROCEDURE. The qualifications of voters at the elections, the  
 38 conduct of elections, the counting of the votes, the return of the ballots, and the payment of  
 39 expenses of the election shall be as prescribed in ~~sections 40-1808 through 40-1810~~ title 34,  
 40 Idaho Code.

1 SECTION 89. That Section 40-1624, Idaho Code, be, and the same is hereby amended to  
2 read as follows:

3 40-1624. ANNEXATION OF CONTIGUOUS TERRITORY. Additional territory ad-  
4 joining a highway district and lying contiguous with and within one (1) or more counties may  
5 be added to and be included in the district, by the affirmative vote of a majority of the qualified  
6 electors of the additional territory voting on the question at an election held for that purpose,  
7 which vote ~~may~~ shall be taken ~~either at an general or a special~~ on a date authorized  
8 in section 34-106, Idaho Code. Additional territory shall not be annexed to or included in  
9 the district unless annexation and inclusion shall be first approved by the commissioners of  
10 the county in which the area proposed to be annexed is located if it shall be deemed to be in  
11 the best public interest, and by the highway district commissioners of the existing district by  
12 resolution, entered on their minutes prior to the election on the question of annexation.

13 SECTION 90. That Section 40-1625, Idaho Code, be, and the same is hereby amended to  
14 read as follows:

15 40-1625. ELECTION DATE WHERE TERRITORY LIES IN MORE THAN ONE  
16 COUNTY. Where territory to be annexed lies in more than one (1) county the election shall be  
17 held on the same day as it is mutually determined by agreement between the commissioners of  
18 both counties concerned on a date authorized in section 34-106, Idaho Code.

19 SECTION 91. That Section 40-1626, Idaho Code, be, and the same is hereby amended to  
20 read as follows:

21 40-1626. PETITION FOR ~~SPECIAL~~ ELECTION -- ELECTION. The election shall be  
22 conducted in accordance with the general election laws of the state. A petition for the election  
23 shall be initiated by not less than twenty-five (25) property owners, or all property owners if  
24 there are less than twenty-five (25) in the proposed area to be annexed. The proposed area  
25 to be annexed shall be set forth with clarity as to be specifically identified by a map of the  
26 area. The petition upon being signed shall be submitted to the commissioners of the highway  
27 district and to the commissioners concerned. The petition shall, within thirty (30) days after  
28 presentment, be either approved or rejected by the recorded motion of the commissioners in  
29 their minutes. Upon the petition being approved by the commissioners of the county in which  
30 the territory or a part is situated and the commissioners of the highway district, a certified copy  
31 of the petition, together with a certified copy of the resolution of the highway commissioners  
32 approving the petition for annexation and with the proposed election precinct boundaries and  
33 polling place, shall within ten (10) days be transmitted by the highway commissioners to the  
34 county clerk of the county or counties, in which the territory to be annexed lies. The com-  
35 missioners in the county in which the territory lies shall then within sixty (60) days fix a time  
36 for the election ~~by giving notice as required for special elections by publication in accordance~~  
37 ~~with the provisions of section 40-206~~ on a date authorized in section 34-106, Idaho Code. The  
38 commissioners and county clerk shall do all things necessary for the holding of an election in  
39 conformity with the general election laws of the state ~~as shall be applicable.~~ Upon the election  
40 being had the result shall be canvassed, declared and the result certified by the commissioners.

SECTION 92. That Section 40-1630, Idaho Code, be, and the same is hereby amended to read as follows:

40-1630. PAYMENT OF COSTS OF ELECTION. The costs of the election shall be paid by the ~~highway district annexing the territory~~ county or counties conducting the election.

SECTION 93. That Section 40-1702, Idaho Code, be, and the same is hereby amended to read as follows:

40-1702. COUNTYWIDE ELECTION TO ADOPT METHOD OF SECONDARY HIGHWAY ADMINISTRATION -- PROCEDURE. (1) In any county where there is a petition for an election to adopt a new method of administration of the secondary highways in the county, the procedure outlined in this chapter shall be followed.

(2) The petitions signed by five percent (5%) of the qualified voters or twenty-five (25) persons, whichever is greater, of each highway district and the area served by a county road department, where applicable, within the county may be filed with the county clerk and upon the commissioners finding that the petitions have been properly signed and filed, cause the formation of a local highway study commission as provided in section 40-1712, Idaho Code, prior to submitting the matter to vote of the entire county at the next general election, providing that the next general election is not less than one hundred eighty (180) days from the filing of the petitions. All of the laws of the state relating to holding of elections at the county level shall apply to the holding of the election, ~~except as may be specifically modified in this chapter. In addition to the other requirements of law, and~~ the notice of election shall notify the electors of the issues to be voted upon at the election, and publication of a notice shall be in accordance with the provisions of ~~section 40-206~~ title 34, Idaho Code. Public hearings within the county shall be held, as deemed advisable, by the highway study commission.

(3) The election shall be conducted in such a manner that the vote is canvassed separately in each of the existing highway districts and the area served by a county road department, where applicable.

(4) The ~~commissioners~~ county clerk in the notice of election shall ~~designate~~ indicate polling places ~~in as designated by the county commissioners for each precinct and/or district,~~ as appropriate, to adequately provide for the vote at the election. Every qualified elector of the county may vote.

(5) The vote shall be canvassed by the ~~commissioners~~ county board of canvassers within ~~five (5) days of the election~~ the time specified in chapter 12, title 34, Idaho Code.

SECTION 94. That Section 40-1714, Idaho Code, be, and the same is hereby amended to read as follows:

40-1714. EXPENSES OF ELECTION ~~— PRORATION TO SYSTEMS — APPEALS.~~ In all counties where elections are held under the provisions of this chapter, commissioners shall pay expenses of the elections from the general election fund of the county. ~~The expense shall be prorated by the commissioners according to the mileage and market value for assessment purposes of the highway districts and the county, excluding area served by highway districts, and upon certification of this pro rata share by the commissioners, that share shall be paid to the county. Any appeals shall follow the appeals procedure set forth in section 40-1706, Idaho Code, for appeals from readjustment of district borders.~~

1 SECTION 95. That Section 40-1805, Idaho Code, be, and the same is hereby amended to  
2 read as follows:

3 40-1805. HEARING -- ORDER FOR ELECTION. At the time and place specified in  
4 the notice, the commissioners shall proceed to consider the petition and all written objections to  
5 it, and shall hear all persons in relation to it, and shall hear or take testimony as may be offered  
6 or as they desire. Upon the conclusion of the hearing which may be continued from day to day,  
7 if the commissioners determine that the district ought to be dissolved and that the dissolution  
8 would be to the best interest of the district, it shall enter an order directing that the question of  
9 dissolution of the district be submitted to the qualified electors of the district at an election to  
10 be held on the date authorized in section 34-106, Idaho Code, which is not less than thirty (30)  
11 ~~nor more than sixty (60)~~ days from and after the order.

12 SECTION 96. That Section 40-1806, Idaho Code, be, and the same is hereby amended to  
13 read as follows:

14 40-1806. ELECTION OFFICERS ~~AND POLLING DISTRICTS~~ -- NOTICE OF ELEC-  
15 TION. The ~~commissioners~~ county clerk shall ~~at the time of making the order~~ appoint ~~two (2)~~  
16 ~~or more judges and one (1) or more clerks~~ for the election, to be chosen from the electors of  
17 the district ~~for each of the polling districts in the highway district, and~~ the county commission-  
18 ers shall by order establish ~~polling districts and~~ polling places. The ~~commissioners shall direct~~  
19 ~~their county clerk to cause~~ shall publish notice of the election ~~to be given by posting notices in~~  
20 ~~at least three (3) public places within the district, one (1) of which shall be on the front door~~  
21 ~~of the office of the district, and in addition to that posting, shall cause a copy of the notice to~~  
22 ~~be published~~ in accordance with the provisions of section ~~40-206~~ 34-1406, Idaho Code. The  
23 notice shall state the purpose of the election; ~~the places of holding it; and~~ the polling districts;  
24 ~~if an election be held in more than one (1) place; the qualifications required of voters; and the~~  
25 ~~hours during which the polls shall be opened, which shall be between the hours of 1:00 p.m.~~  
26 ~~and 7:00 p.m. places.~~

27 SECTION 97. That Section 40-1808, Idaho Code, be, and the same is hereby amended to  
28 read as follows:

29 40-1808. CONDUCT OF ELECTIONS. (1) The polls in all elections shall be presided  
30 over by the judges and clerks appointed by the ~~commissioners who must take an oath, to be~~  
31 ~~administered by a qualified elector of the district, and which oath shall obligate the judges and~~  
32 ~~clerks to faithfully perform the duties of the board of election~~ county clerk.

33 (2) All elections shall be ~~by secret and separate ballot, each ballot in type, print or leg-~~  
34 ~~ible writing, stating in the affirmative and negative the proposition to be voted upon, and all~~  
35 ~~ballots shall be in a form that the voters may express a choice by the marking of a cross (X).~~

36 (3) ~~In all elections it is intended that no informalities in conducting the elections shall~~  
37 ~~invalidate the election, if the election shall have been otherwise fairly conducted. The clerk of~~  
38 ~~the commissioners shall prepare the necessary ballots for use in each of the districts~~ conducted  
39 in accordance with the provisions of title 34, Idaho Code.

40 SECTION 98. That Section 40-1809, Idaho Code, be, and the same is hereby amended to  
41 read as follows:

1        40-1809. COUNTING VOTES -- ~~RETURN OF ELECTION~~ -- CANVASS -- ORDER  
 2 OF DISSOLUTION. Immediately following the close of the polls at the time specified in the  
 3 notices of election the ~~board of election shall tally the result of the election, making the count~~  
 4 ~~in public view and shall immediately make return of the election to the clerk of the commis-~~  
 5 ~~sioners upon forms to be supplied by him, and shall transmit all ballots cast at the election,~~  
 6 ~~whether the ballots were counted or rejected by the election board~~ votes shall be counted in  
 7 accordance with the provisions of title 34, Idaho Code. The board of county commissioners  
 8 shall ~~immediately~~ canvass the returns as provided in chapter 12, title 34, Idaho Code, and in the  
 9 event a majority of the votes cast in the district are in favor of dissolution, the county commis-  
 10 sioners shall immediately make and enter an order declaring the district dissolved.

11        SECTION 99. That Section 40-1810, Idaho Code, be, and the same is hereby amended to  
 12 read as follows:

13        40-1810. EXPENSES OF DISSOLUTION -- HOW BORNE AND PAID. All expenses  
 14 of proceedings to dissolve highway districts, including the posting and publication of notices  
 15 of hearings on the petitions and of the election, the printing of ballots and compensation of  
 16 judges and clerks of election, shall be borne by the ~~highway district~~ county. ~~In cases where the~~  
 17 ~~proposal to dissolve shall be defeated, either by order of the commissioners upon hearing the~~  
 18 ~~petitions, or at the election, the expense shall be paid by the appropriate district treasurer out of~~  
 19 ~~any current funds on hand on an order presented by the clerk of the commissioners; and, when~~  
 20 ~~the proposal to dissolve shall have been adopted at an election, the expense of all proceedings~~  
 21 ~~shall be paid by the county treasurer out of the first moneys received from or on account of the~~  
 22 ~~respective district.~~

23        SECTION 100. That Section 42-3211, Idaho Code, be, and the same is hereby amended  
 24 to read as follows:

25        42-3211. ELECTIONS -- TERMS OF OFFICE. (1) ~~Except as provided in subsection~~  
 26 ~~(2), of this section, o~~ On the first third Tuesday in February May, in the second calendar year  
 27 after the organization of any district, and on the first third Tuesday in February May every  
 28 second year thereafter an election shall be held, which shall be known as the biennial election  
 29 of the district.

30        (2) In districts created under section 42-3202B, Idaho Code, biennial elections shall be  
 31 held on the first third Tuesday in August May.

32        (3) At the first biennial election in any district hereafter organized, and each sixth year  
 33 thereafter, there shall be elected by the qualified electors of the district, one (1) member of the  
 34 board to serve for a term of six (6) years; at the second biennial election and each sixth year  
 35 thereafter, there shall be elected two (2) members of the board to serve for terms of six (6)  
 36 years, and at the third biennial election, and each sixth year thereafter, there shall be elected  
 37 two (2) members of the board to serve for terms of six (6) years.

38        Not later than 5:00 p.m. on the sixth Friday preceding the election, nominations may be  
 39 filed with the secretary of the board and if a nominee does not withdraw his name before the  
 40 first publication of the notice of election, his name shall be placed on the ballot. The ~~board~~  
 41 county clerk shall ~~provide for holding such~~ conduct the election and shall appoint judges to  
 42 conduct it. ~~The secretary of the district shall give notice of election by publication, and shall~~  
 43 ~~arrange such other details in connection therewith as the board may direct.~~ The returns of the

election shall be certified to and shall be canvassed and declared ~~by the board~~ as provided in chapter 14, title 34, Idaho Code. The candidate or candidates, according to the number of directors to be elected, receiving the most votes, shall be elected. Any new member of the board shall qualify in the same manner as members of the first board qualify.

In any election for director, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that the number of qualified candidates who have been nominated is equal to the number of directors to be elected, it shall not be necessary for the candidates to stand for election, and the board of directors shall declare such candidates elected as directors, and the secretary of the district shall immediately make and deliver to such persons certificates of election signed by him and bearing the seal of the district.

SECTION 101. That Section 50-211, Idaho Code, be, and the same is hereby repealed.

SECTION 102. That Section 50-402, Idaho Code, be, and the same is hereby amended to read as follows:

50-402. DEFINITIONS. The following words and phrases when used in this chapter, have the meanings respectively given herein.

(a) General election. "General election" means the election held on the first Tuesday succeeding the first Monday in November in each odd-numbered year at which there shall be chosen all mayors and councilmen as are by law to be elected in such years.

(b) Special election. "Special election" means any election other than a general election held at any time for any purpose provided by law.

(c) Qualified elector. A "qualified elector" means any person who is at least eighteen (18) years of age, is a United States citizen and who has resided in the city at least thirty (30) days next preceding the election at which he desires to vote and who is registered within the time period provided by law. A "qualified elector" shall also mean any person who is at least eighteen (18) years of age, is a United States citizen, who is a registered voter, and who resides in an area that the city has annexed pursuant to chapter 2, title 50, Idaho Code, within thirty (30) days of a city election.

(d) Residence.

(1) "Residence" for voting purposes, shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence. In determining what is a principal or primary place of abode of a person the following circumstances relating to such person may be taken into account: business pursuits, employment, income sources, residence for income or other tax pursuits, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, and motor vehicle registration.

(2) A qualified elector shall not be considered to have gained residence in any city of this state into which he comes for temporary purposes only without the intention of making it his home but with the intention of leaving it when he has accomplished the purpose that brought him there.

(3) A qualified elector who has left his home and gone to another area outside the city, for a temporary purpose only shall not be considered to have lost his residence.

(4) If a qualified elector moves outside the city, with the intentions of making it his permanent home, he shall be considered to have lost his residence in the city.

(e) Election official. "Election official" means the city clerk, registrar, judge of election, clerk of election, or ~~constable~~ county clerk engaged in the performance of election duties ~~as required by this act.~~

~~(f) Election register. The "election register" means the voter registration cards of all electors who are qualified to appear and vote at the designated polling places.~~

~~(g) Combination election record and poll book. "Combination election record and poll book" is the book containing a listing of registered electors who are qualified to appear and vote at the designated polling places.~~

~~(h) Tally book. The "tally book" or "tally list" means the forms in which the votes cast for any candidate or special question are counted and totaled at the polling precinct.~~

~~(i)~~ Reference to male. All references to the male elector and male city officials include the female elector and female city officials and the masculine pronoun includes the feminine.

(jg) Computation of time. Calendar days shall be used in all computations of time made under the provisions of this ~~act~~ chapter. In computing time for any act to be done before any election, the first day shall be included and the last, or election day, shall be excluded. Saturdays, Sundays and legal holidays shall be included, but if the time for any act to be done shall fall on Saturday, Sunday or a legal holiday, such act shall be done upon the day following each Saturday, Sunday or legal holiday.

SECTION 103. That Section 50-403, Idaho Code, be, and the same is hereby amended to read as follows:

50-403. SUPERVISION OF ADMINISTRATION OF ELECTION LAWS BY ~~CITY~~ COUNTY CLERK. For ~~each city clerk,~~ the county clerk of the county is the chief elections officer and shall exercise general supervision of the administration of the election laws in ~~his~~ the city for the purpose of achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity. The ~~city~~ county clerk shall meet with and issue instructions to election judges and clerks prior to the opening of the polls to ensure uniformity in the application, operation and interpretation of the election laws during the election.

~~If a national or local emergency or other situation arises which makes substantial compliance with the provisions of this chapter impossible or unreasonable, the city clerk may prescribe, by directive, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in city elections.~~

SECTION 104. That Sections 50-404, 50-405, 50-406, 50-407, 50-408, 50-409, 50-410, 50-411 and 50-412, Idaho Code, be, and the same are hereby repealed.

SECTION 105. That Section 50-414, Idaho Code, be, and the same is hereby amended to read as follows:

~~50-414~~ 50-404. REGISTRATION OF ELECTORS. All electors must register before being able to vote at any municipal election. The county clerk shall be the registrar for all city elections and shall conduct voter registration for each city pursuant to the provisions of ~~section 34-1402~~ chapter 4, title 34, Idaho Code. To be eligible to register to vote in city elections, a

1 person shall be at least eighteen (18) years of age, a citizen of the United States and a resident  
 2 of the city for at least thirty (30) days next preceding the election at which he desires to vote,  
 3 or a resident of an area annexed by a city pursuant to the provisions of chapter 2, title 50, Idaho  
 4 Code.

5 SECTION 106. That Sections 50-415, 50-427 and 50-428, Idaho Code, be, and the same  
 6 are hereby repealed.

7 SECTION 107. That Section 50-429, Idaho Code, be, and the same is hereby amended to  
 8 read as follows:

9 ~~50-429~~05. GENERAL AND SPECIAL CITY ELECTIONS. (1) A general election shall  
 10 be held in each city governed by this title, for officials as in this title provided, on the Tuesday  
 11 following the first Monday of November in each odd-numbered year. All such officials shall  
 12 be elected and hold their respective offices for the term specified and until their successors are  
 13 elected and qualified. All other city elections that may be held under authority of general law  
 14 shall be known as special city elections.

15 (2) On and after January 1, ~~1994~~ 2011, notwithstanding any other provisions of law to  
 16 the contrary, there shall be no more than ~~four~~ two (42) elections conducted in any city in any  
 17 calendar year, except as provided in this section.

18 (3) The dates on which elections may be conducted are:

19 (a) ~~The first Tuesday in February of each year; and~~

20 ~~(b) The fourth third Tuesday in May of each year; and~~

21 ~~(c) The first Tuesday in August of each year; and~~

22 ~~(d)~~ (b) The Tuesday following the first Monday in November of each year.

23 ~~(e)~~ (c) In addition to the elections specified in ~~subsections~~ paragraphs (a) ~~through~~ and (b)  
 24 of this subsection (3), an emergency election may be called upon motion of the city coun-  
 25 cil of a city. An emergency exists when there is a great public calamity, such as an  
 26 extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emer-  
 27 gency work to prepare for a national or local defense, or it is necessary to do emergency  
 28 work to safeguard life, health or property. ~~Such a special election, if conducted by the~~  
 29 ~~city clerk, shall be conducted at the expense of the political subdivision submitting the~~  
 30 ~~question.~~

31 (4) Pursuant to section 34-1401, Idaho Code, all municipal elections shall be conducted  
 32 by the county clerk of the county wherein the city lies, and elections shall be administered in  
 33 accordance with the provisions of title 34, Idaho Code, except as those provisions are specif-  
 34 ically modified by the provisions of this chapter. After an election has been ordered, all ex-  
 35 penditures associated with conducting municipal general and special elections shall be paid from  
 36 the county election fund as provided by section 34-1411, Idaho Code. Expenses associated  
 37 with conducting runoff elections shall be paid by the city adopting runoff elections pursuant to  
 38 the provisions of section 50-612 or 50-707B, Idaho Code, or both.

39 (5) The secretary of state is authorized to provide such assistance as necessary, and to  
 40 prescribe any needed rules or interpretations for the conduct of elections authorized under the  
 41 provisions of this section.

42 SECTION 108. That Section 50-430, Idaho Code, be, and the same is hereby amended to  
 43 read as follows:



~~50-43006.~~ 50-43006. METHOD OF NOMINATION -- CLERK TO FURNISH PRINTED FORMS. Candidates for elective city offices shall be nominated by declaration. The declaration shall contain the name and address of the person and the office and the term for which he is being nominated. There shall be no mention relating to party or principal of the nominee. The completed declaration of candidacy shall be accompanied by: (1) a petition of candidacy signed by not less than five (5) registered qualified electors; or (2) a nonrefundable filing fee of forty dollars (\$40.00) which shall be deposited in the city treasury.

It shall be the duty of the city clerk to furnish upon application a reasonable number of regular printed forms, as herein set forth, to any person or persons applying therefor. The forms shall be of uniform size as determined by the clerk.

SECTION 109. That Section 50-431, Idaho Code, be, and the same is hereby amended to read as follows:

~~50-43-107.~~ **FORM OF DECLARATION OF CANDIDACY.** Declarations of candidacy and petitions of candidacy shall read substantially as herein set forth. Any number of separate petitions of candidacy may be circulated at the same time for any candidate and all petitions for each candidate shall be considered one (1) petition when filed with the city clerk. Each signer of a petition shall be a registered qualified elector.

## DECLARATION OF CANDIDACY

I, the undersigned, affirm that I am a qualified elector of the City of \_\_\_\_\_, State of Idaho, and that I have resided in the city for at least thirty (30) days. I hereby declare myself to be a candidate for the office of \_\_\_\_\_, for a term of \_\_\_\_ years, to be voted for at the election to be held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and certify that I possess the legal qualifications to fill said office, and that my residence address is \_\_\_\_\_.

(Signed) .....

Subscribed and sworn to before me this .... day of ....., ....

Notary Public

State of Idaho  
County of ..... ss.  
City of .....

# PETITION OF CANDIDACY

OF .....

(NAME OF CANDIDATE)

FOR OFFICE OF .....

This petition must be filed in the office of the City Clerk not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday immediately preceding election day. The submitted petition must have affixed thereto the names of at least five (5) qualified electors who reside within the appropriate city.

I, the undersigned, being a qualified elector of the City of \_\_\_\_\_, in the State of Idaho, do hereby certify and declare that I reside at the place set opposite my name and that I do

hereby join in the petition of ....., a candidate for the office of ..... to be voted at the election to be held on the .... day of....., .....

Signature of Petitioner	Printed Name	Residence Address	Date Signed
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.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

Signature of Petitioner	Printed Name	Residence Address	Date Signed
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.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

STATE OF IDAHO

County of .....

I, ....., being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name and residence address correctly; and that each signer is a qualified elector of the State of Idaho, and the City of .....

Signed .....

Address .....

Subscribed and sworn to before me this ..... day of ....., .....

Signed Notary Public .....

Residing at .....

Commission expires .....

(Notary Seal)

SECTION 110. That Section 50-432, Idaho Code, be, and the same is hereby amended to read as follows:

~~50-432~~50-43210. TIME AND MANNER OF FILING DECLARATIONS. All declarations of candidacy for elective city offices shall be filed with the clerk of the respective city wherein the elections are to be held, not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday, immediately preceding election day. Before a candidate files a petition of candidacy with the city clerk, the petition signatures shall be verified by the county clerk in the manner described in section 34-1807, Idaho Code, except that the city clerk shall stand in place of the secretary of state. Before any declaration of candidacy and filing fee or petition of candidacy mentioned in section ~~50-434~~50-43407, Idaho Code, can be filed, the city clerk shall ascertain that it conforms to the provisions of chapter 4, title 50, Idaho Code. The city clerk shall not accept any declarations of candidacy after 5:00 p.m. on the ninth Friday immediately preceding election day. Write-in candidates shall be governed by section 34-702A, Idaho Code, but shall file the declarations required in that section with the city clerk.

1       SECTION 111. That Section 50-435, Idaho Code, be, and the same is hereby amended to  
2 read as follows:

3       ~~50-435~~11. NOTICE OF CANDIDATE FILING DEADLINE. Not more than fourteen  
4 (14) nor less than seven (7) days preceding the candidate filing deadline for an election, the city  
5 clerk shall cause to be published in the official newspaper a notice of the forthcoming candidate  
6 filing deadline. The notice shall state the name of the city, the date of the election, the offices  
7 up for election, that declarations of candidacy are available from the city clerk, and the deadline  
8 for filing such declarations with the city clerk.

9       SECTION 112. That Sections 50-436, 50-437, 50-438, 50-439, 50-440, 50-441, 50-442,  
10 50-443, 50-445, 50-446, 50-447, 50-448, 50-449, 50-450, 50-451, 50-452, 50-453, 50-454,  
11 50-455, 50-456, 50-457, 50-458, 50-459, 50-460, 50-461, 50-462, 50-463, 50-464, 50-465 and  
12 50-466, Idaho Code, be, and the same are hereby repealed.

13       SECTION 113. That Section 50-467, Idaho Code, be, and the same is hereby amended to  
14 read as follows:

15       ~~50-467~~12. CANVASSING VOTES -- DETERMINING RESULTS OF ELECTION. The  
16 ~~mayor and the council~~ county commissioners, within ~~six (6)~~ ten (10) days following any elec-  
17 tion, shall meet for the purpose of canvassing the results of the election. Upon acceptance  
18 of tabulation of votes prepared by the election judges and clerks, and the canvass as herein  
19 provided, the results of both shall be entered in the minutes of city council proceedings and  
20 proclaimed as final. Results of election shall be determined as follows: in the case of a single  
21 office to be filled, the candidate with the highest number of votes shall be declared elected; in  
22 the case where more than one (1) office is to be filled, that number of candidates receiving the  
23 highest number of votes, equal to the number of offices to be filled, shall be declared elected.

24       SECTION 114. That Section 50-468, Idaho Code, be, and the same is hereby amended to  
25 read as follows:

26       ~~50-468~~13. TIE VOTES. In case of a tie vote between candidates, the city clerk shall  
27 give notice to the interested candidates to appear before the council at a meeting to be called  
28 within six (6) days at which time the city clerk shall determine the tie by a toss of a coin.

29       SECTION 115. That Section 50-469, Idaho Code, be, and the same is hereby amended to  
30 read as follows:

31       ~~50-469~~14. FAILURE TO QUALIFY CREATES VACANCY. If a person elected fails to  
32 qualify, a vacancy shall be declared to exist, which vacancy shall be filled by the mayor and the  
33 council.

34       SECTION 116. That Section 50-470, Idaho Code, be, and the same is hereby amended to  
35 read as follows:

36       ~~50-470~~15. CERTIFICATES OF ELECTIONS. A certificate of election for each elected  
37 city official or appointee to fill such position shall be made under the corporate seal by the city

1 clerk, signed by the mayor and clerk, and presented to such officials at the time of subscribing  
2 to the oath of office.

3 SECTION 117. That Section 50-471, Idaho Code, be, and the same is hereby amended to  
4 read as follows:

5 50-47116. APPLICATION FOR RECOUNT OF BALLOTS. Any candidate desiring a  
6 recount of the ballots cast in any general city election may apply to the attorney general there-  
7 for, within twenty (20) days of the canvass of such election by the ~~city council~~ county board  
8 of canvassers. The provisions of chapter 23, title 34, Idaho Code, shall govern recounts of  
9 elections held under this chapter.

10 SECTION 118. That Section 50-472, Idaho Code, be, and the same is hereby amended to  
11 read as follows:

12 50-47217. RECALL ELECTIONS. Recall elections shall be governed by the provisions  
13 of chapter 17, title 34, Idaho Code, except as those provisions may be specifically modified by  
14 the provisions of this chapter.

15 SECTION 119. That Section 50-473, Idaho Code, be, and the same is hereby amended to  
16 read as follows:

17 50-47318. INITIATIVE AND REFERENDUM ELECTIONS. Initiative and referendum  
18 elections shall be governed by the provisions of chapter 18, title 34, Idaho Code, and chapter 5,  
19 title 50, Idaho Code, except as those provisions are specifically modified by this chapter.

20 SECTION 120. That Section 50-474, Idaho Code, be, and the same is hereby repealed.

21 SECTION 121. That Section 50-475, Idaho Code, be, and the same is hereby amended to  
22 read as follows:

23 50-47519. ELECTION LAW VIOLATIONS. The provisions of chapter 23, title 18,  
24 Idaho Code, pertaining to crimes and punishments for election law violations are ~~hereby in-~~  
25 corporated in this chapter applicable to all municipal elections.

26 SECTION 122. That Section 50-477, Idaho Code, be, and the same is hereby amended to  
27 read as follows:

28 50-47720. APPLICATION OF CAMPAIGN REPORTING LAW TO ELECTIONS IN  
29 CERTAIN CITIES. The provisions of sections 67-6601 through 67-6616 and 67-6623 through  
30 67-6630, Idaho Code, are hereby made applicable to all elections for mayor, councilman and  
31 citywide measures in cities of five thousand (5,000) or more population, except that the city  
32 clerk shall stand in place of the secretary of state, and the city attorney shall stand in place of  
33 the attorney general.

34 SECTION 123. That Section 50-612, Idaho Code, be, and the same is hereby amended to  
35 read as follows:

50-612. MAJORITY REQUIRED FOR ELECTION -- RUNOFF ELECTION. A city may, by ordinance, provide that a majority of the votes for any candidate running for the office of mayor shall be required for election to that office. In the event no candidate receives a majority of the votes cast, there shall be a runoff election between the two (2) candidates receiving the highest number of votes cast. Such runoff election shall be conducted by the county clerk as in the general election in a manner consistent with chapter 14, title 34, Idaho Code, and at such time, within thirty (30) days of the general election, as prescribed by the city and shall be exempt from the limitation upon elections provided in sections 34-106 and 50-42905, Idaho Code. The ballot shall be prepared by the ~~city~~ county clerk not less than twenty-two (22) days preceding the runoff election. The designation of polling places shall be made by the ~~city clerk~~ county commissioners not less than twenty (20) days preceding any runoff election and sample ballots shall be printed not less than eighteen (18) days preceding the runoff election.

SECTION 124. That Section 50-707B, Idaho Code, be, and the same is hereby amended to read as follows:

50-707B. MAJORITY MAY BE REQUIRED FOR ELECTION -- RUNOFF ELECTION. A city may, by ordinance, provide that a majority of the votes for any candidate running for a council seat adopted by a city in accordance with section 50-707 or 50-707A, Idaho Code, shall be required for election to that office. In the event no candidate receives a majority of the votes cast, there shall be a runoff election between the two (2) candidates receiving the highest number of votes cast. Such runoff election shall be conducted by the county clerk as in the general election in a manner consistent with chapter 14, title 34, Idaho Code, and at such time within thirty (30) days of the general election, as prescribed by the city and shall be exempt from the limitation upon elections provided in sections 34-106 and 50-42905, Idaho Code. The ballot shall be prepared by the ~~city~~ county clerk not less than twenty-two (22) days preceding the runoff election. The designation of polling places shall be made by the ~~city clerk~~ county commissioners not less than twenty (20) days preceding any runoff election, and sample ballots shall be printed not less than eighteen (18) days preceding the runoff election.

SECTION 125. That Section 50-803, Idaho Code, be, and the same is hereby amended to read as follows:

50-803. TIME FOR HOLDING SPECIAL ELECTION ON PROPOSITION. Within ten (10) days after the filing of such petition or resolution with the city clerk, the mayor shall, by proclamation, establish a date for holding a special election on the question of adopting the council-manager plan, such date to be determined as follows:

(1) ~~When~~ When the petition or resolution is filed with the city clerk during a year when no general city election is to be held, such election shall be held ~~within~~ on the date authorized in section 34-106, Idaho Code, that is nearest to but not less than sixty (60) days following filing of such petition or resolution;

(2) ~~When~~ When the petition or resolution is filed with the city clerk during a year when a general city election is to be held, such election shall be held ~~not less than sixty (60) days prior to~~ on the date for holding general city elections.

SECTION 126. That Section 50-806, Idaho Code, be, and the same is hereby amended to read as follows:

50-806. ELECTION OF OFFICIALS FOLLOWING ADOPTION -- DETERMINING SUCCESSFUL CANDIDATES -- DESIGNATION OF SEATS. (1) When the proposition is submitted to the electors under section 50-803, ~~subsection (1), Idaho Code, received a favorable vote,~~ officials shall be elected at ~~a special the same election, called for that purpose, to be held not more than sixty (60) days following the date on~~ during which the proposition ~~was~~ is submitted to the voters; when the proposition submitted to the electors under subsection (2) ~~received a favorable vote~~ of section 50-803, Idaho Code, officials shall be elected at the ~~succeeding same~~ same general city election. If any proposition submitted to the electors under section 50-803, Idaho Code, fails to receive a favorable vote, the election of officials at the same election shall be declared null and void.

Determination of successful candidates at either a special or general election shall be as herein provided: A. When the council is to consist of five (5) members, the three (3) receiving the largest number of votes shall be declared elected to serve four (4) year terms or so much thereof as remains, and two (2) to serve two (2) year terms or so much thereof as remains; B. When the council is to consist of seven (7) members, the four (4) receiving the largest number of votes shall be declared elected to serve four (4) year terms or so much thereof as remains, and three (3) to serve two (2) year terms or so much thereof as remains.

At each general city election thereafter, councilmen shall be elected to fill the unexpired terms.

(2) By ordinance, the city may assign a number to each council seat. In that event candidates will file for a designated seat and the candidate receiving the largest number of votes for the seat he has filed for shall be declared elected.

SECTION 127. That Section 50-1026, Idaho Code, be, and the same is hereby amended to read as follows:

50-1026. CITY BONDS -- ORDINANCE -- ELECTION. Whenever the city council of a city shall deem it advisable to issue the coupon bonds of such city, the mayor and council shall provide therefor by ordinance, which shall specify and set forth all the purposes, objects, matters and things required by section 57-203, Idaho Code, and make provision for the collection of an annual tax sufficient to pay the interest on such proposed bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within thirty (30) years from the time of contracting the same as required by the constitution and laws of the state of Idaho.

The ordinance shall also provide the date for holding an election that is in accordance with the dates authorized in section 50-405, Idaho Code, of which ~~thirty (30) days~~ notice shall be given in the official newspaper of the city by the county clerk in accordance with election law in title 34, Idaho Code. Such election shall be conducted as other city elections. The voting at such elections must be by ballot, and the ballot used shall be substantially as follows: "In favor of issuing bonds to the amount of .... dollars for the purpose stated in Ordinance No. ....," and "Against issuing bonds to the amount of .... dollars for the purpose stated in Ordinance No. ...." If at such election, held as provided in this chapter, two-thirds (2/3) of the qualified electors voting at such election, assent to the issuing of such bonds and the incurring of the indebtedness thereby created for the purpose aforesaid, such bonds shall be issued in the manner provided by the laws of the state of Idaho.

SECTION 128. That Section 50-1035, Idaho Code, be, and the same is hereby amended to read as follows:

1        50-1035. ORDINANCE PRIOR TO CONSTRUCTION -- ELECTION. Before any city  
 2 shall construct or acquire any works or rehabilitated existing electrical generating facilities un-  
 3 der this ~~act~~ chapter, the council of such city shall enact an ordinance or ordinances which shall,  
 4 (a) set forth a brief and general description of the works or rehabilitated existing electrical gener-  
 5 ating facilities, and if the same are to be constructed, a reference to the preliminary report  
 6 or plans and specifications which shall theretofore have been prepared and filed by an engi-  
 7 neer chosen for that purpose; (b) set forth the cost thereof estimated by the engineer chosen as  
 8 aforesaid; (c) order the construction or acquisition of such works or the rehabilitation of such  
 9 existing electrical generating facilities; (d) direct that revenue bonds of the city shall be issued  
 10 pursuant to this ~~act~~ chapter in such amount as may be necessary to pay the cost of the works  
 11 or rehabilitated existing electrical generating facilities; and (e) contain such other provisions as  
 12 may be necessary in the proposal.

13        Such ordinance shall be passed, approved and published as provided by law for the enact-  
 14 ment of general ordinances, but such city shall not incur or authorize in any year any indebted-  
 15 ness or liability under said ordinance exceeding in that year, the income and revenue provided  
 16 for it for such year, without the assent of two-thirds (2/3) of the qualified electors of such city  
 17 voting at an election held for the purpose of authorizing or refusing to authorize the indebted-  
 18 ness or liability provided for in said ordinance; provided, that any city may, with the assent  
 19 of a majority of the qualified electors voting at an election to be held for such purpose, issue  
 20 revenue bonds for the purpose of providing funds to own, purchase, construct, extend or equip,  
 21 within and without the corporate limits of such city, water systems, sewerage systems, water  
 22 treatment plants, sewerage treatment plants, or to rehabilitate existing electrical generating facil-  
 23 ities, the principal and interest of which to be paid solely from the revenue derived from rates  
 24 and charges for the use of, and the service rendered by such systems, plants and facilities.

25        Said ordinances shall provide for the holding of said election ~~and the giving of notice~~  
 26 ~~thereof by publication in the official newspaper of the city, said publication to be once a week~~  
 27 ~~for two (2) successive weeks prior to such election~~ in accordance with the dates authorized in  
 28 section 50-405, Idaho Code, by the county clerk in accordance with the provisions of title 34,  
 29 Idaho Code. The notice of election shall set forth the purpose of said ordinance, the amount  
 30 of bonds authorized by it, the maximum number of years from their respective dates for which  
 31 such bonds may run, the voting places, the hours between which the polls will be open and  
 32 the qualifications of voters who may vote thereat. In all other respects such election shall be  
 33 conducted as are other city elections. The voting at such elections must be by ballot, and the  
 34 ballots used shall be substantially as follows:

35        "In favor of issuing revenue bonds for the purposes provided by Ordinance No. ...."

36        "Against the issuance of revenue bonds for the purposes provided by Ordinance No. ...."

37        If, at such election, the required vote is in favor of issuing such revenue bonds, then such  
 38 city may issue such bonds and create such indebtedness or liability in the manner and for the  
 39 purpose specified in said ordinance.

40        SECTION 129. Section 50-2104, Idaho Code, be, and the same is hereby amended to  
 41 read as follows:

42        50-2104. JOINT SESSION -- RESOLUTION SPECIFYING TIME OF ELEC-  
 43 TION. When a majority of the governing bodies of each of the cities desires consolidation,  
 44 or petitions signed by the requisite number of qualified electors in each city have been duly

received and recorded by each city, a joint resolution signed by the respective mayors, shall set a time for a special election to be held in each of the cities desiring consolidation, ~~which dates shall be not less than sixty (60) days nor more than ninety (90) days following such joint meeting and which resolution shall be recorded in the record of proceeding of each of the cities.~~ The election shall be held on the next date authorized by section 50-405, Idaho Code, which is more than forty-five (45) days after final adoption, of the joint resolution.

SECTION 130. That Section 50-2105, Idaho Code, be, and the same is hereby amended to read as follows:

50-2105. SUBMISSION OF QUESTION TO ELECTORS -- ~~SPECIAL~~ ELECTION. In each of the cities proposed to be consolidated, on the date fixed by resolution, there shall be held an ~~special~~ election for the purpose of submitting to the qualified electors of each of said cities, the question whether such cities shall become consolidated into one (1) city. ~~Such election in each city shall be conducted according to the provisions of chapter 4, title 50, Idaho Code.~~

SECTION 131. That Section 50-2106, Idaho Code, be, and the same is hereby amended to read as follows:

50-2106. RESULTS OF ELECTION CERTIFIED TO SECRETARY OF STATE. ~~When upon canvassing of the votes, it is determined that a majority of the qualified electors in each of the cities favor consolidation, the clerks of such cities shall, by abstract of results of election, certify that fact to the board of county commissioners. The clerk of such board shall thereupon record the same and transmit the said original abstract of the result of said election to the office of the secretary of state. Said original abstract shall be filed by the secretary of state in his office immediately upon receiving the same and certificates of the filing of such original abstract in his office shall be transmitted forthwith to the clerk of such board of county commissioners and to the clerks of each of the cities in which such election was held. If a majority of the qualified electors of each city vote in favor of consolidation, the county clerk shall certify the results of the election to the board of county commissioners. The county clerk shall transmit the original abstract of the results of the election to the board of county commissioners. The county clerk shall thereupon transmit the original abstract of the results of the election to the office of the secretary of state. Upon receipt of the original abstract, the secretary of state shall transmit to the county clerk a certificate indicating that the original abstract has been received and filed in his office.~~

SECTION 132. That Section 50-2107, Idaho Code, be, and the same is hereby amended to read as follows:

50-2107. ELECTION OF OFFICERS OF CONSOLIDATED CORPORATIONS. In the event that the majority of the votes cast by the electors of each and all such cities proposed to be consolidated shall favor consolidation, ~~and all other acts and proceedings for consolidation of such cities into one (1) consolidated corporation shall have been severally, duly and regularly done and performed as hereinbefore provided, thereupon such~~ the city shall proceed to call an ~~special~~ election to be held in all the cities so proposed to be consolidated for the election of officers of the new corporation. Such election shall be held ~~not less than sixty (60) days nor~~



~~more than ninety (90) days after the filing of such original abstract in the office of the secretary of state, provided, that should the time for holding general city elections be within one hundred twenty (120) days of the time as herein provided for holding said special election, officials of the newly consolidated city shall be elected at said general election on the next date authorized by section 50-405, Idaho Code, which is more than forty-five (45) days after receipt of the original abstract by the secretary of state.~~

SECTION 133. That Section 50-2114, Idaho Code, be, and the same is hereby amended to read as follows:

50-2114. EXPENSES OF CONSOLIDATION. All proper expenses of proceedings for consolidation shall, if ~~such~~ the consolidation ~~be~~ is made and completed, be paid by the consolidated city; with the exception of costs of conducting the election, which shall be paid by the county. ~~and if such~~ If consolidation is not completed, each city shall pay ~~the expenses of calling and holding its election~~ its respective share of the expenses of the proposed consolidation, with the exception of the costs of conducting the election, which shall be paid by the county.

SECTION 134. That Section 50-2201, Idaho Code, be, and the same is hereby amended to read as follows:

50-2201. PETITION FOR DISINCORPORATION. A city existing under the laws of this state may disincorporate after proceedings had as required by sections 50-2201 through 50-2213, Idaho Code. The council shall, upon receiving a petition therefor, signed by not less than one-half (1/2) of the qualified electors thereof as shown by the vote cast at the last general city election held therein, submit the question of whether such city shall disincorporate to the electors of such corporation. In case such council shall cease to exist or fail to function for a period of two (2) years or more, the petition for said disincorporation of such city signed by a majority of the residents living within said city, shall be filed with the board of county commissioners of the county in which said city is situated. Upon the filing of such petition, showing that the council has failed to function for at least two (2) years prior thereto or has ceased to exist, such board of county commissioners shall have full power and authority to take all proceedings therein as it is authorized by sections 50-2201 through 50-2213, Idaho Code, to disincorporate said city.

SECTION 135. That Section 50-2202, Idaho Code, be, and the same is hereby amended to read as follows:

50-2202. ELECTION TO DETERMINE QUESTION. ~~Such question shall be submitted at a special election to be held for that purpose, and the governing body of the city or county, as the case may be, shall give notice thereof by publication in a newspaper of general circulation for a period of four (4) weeks prior to such election. Such notice shall state that the question of disincorporating the said city shall be submitted to the qualified electors of the same at the time appointed for such election, and the electors shall be invited to vote upon such proposition by placing upon their ballots the cross as provided by law, after the words, "For disincorporation" or "Against disincorporation." Such governing body of the city or county, as the case may be, shall also designate in such notice, the place or places at which the polls will be open in said city and shall also appoint and designate in such notice the names of the offi-~~

~~ers of election~~ The question of disincorporation shall be submitted at an election on the next date authorized by section 50-405, Idaho Code, which is more than forty-five (45) days after the election called by the city council or board of county commissioners. Notice of the election shall be published pursuant to the requirements of section 34-1406, Idaho Code, along with two (2) additional notices published weekly.

SECTION 136. That Section 50-2203, Idaho Code, be, and the same is hereby amended to read as follows:

50-2203. CANVASS OF VOTE. The vote at such election shall be taken, canvassed and returned in the same manner as in other elections. ~~Such governing body of the city or county, as the case may be,~~ The county board of canvassers shall meet ~~on the Monday next succeeding the day of~~ within ten (10) days of such election and proceed to canvass the votes cast thereat.

SECTION 137. That Section 50-2204, Idaho Code, be, and the same is hereby amended to read as follows:

50-2204. EFFECT OF NEGATIVE VOTE. If it is found by the canvass of said votes that less than two-thirds (2/3) of the votes cast were in favor of disincorporation, ~~such governing body of the city or the county, as the case may be,~~ board of canvassers shall declare the petition for disincorporation denied, in which case no other election shall be held on the question of disincorporating said city until after the expiration of two (2) years from the date of the election so held.

SECTION 138. That Section 50-2302, Idaho Code, be, and the same is hereby amended to read as follows:

50-2302. PETITION FOR ORGANIZATION UNDER GENERAL LAWS -- ELECTION. Upon receipt of a petition signed by registered qualified electors equal in number to twenty-five ~~per cent~~ percent (25%) of the total number of voters casting ballots at the last preceding general city election, the governing body shall by resolution issued within ten (10) days after filing of said petition, submit to the qualified electors of the city the question of organizing as a city, under this ~~act~~ chapter, and the general laws of the state of Idaho, ~~at a special election to be held at the time specified therein, and within sixty (60) days after said petition is filed.~~ The election shall be held on the next date authorized by section 50-405, Idaho Code, which is more than forty-five (45) days after adoption of the resolution by the city council.

SECTION 139. That Section 50-2303, Idaho Code, be, and the same is hereby amended to read as follows:

50-2303. SUBMISSION OF PROPOSITION TO ELECTORATE -- FILING OF CERTIFICATES -- PROCLAMATION OF GOVERNOR. At such election, conducted under this ~~act~~ chapter, the proposition to be submitted to the electors shall be substantially: "Shall the proposition to organize the City of (name of city) as a city under this ~~act~~ chapter, and the general laws of the state of Idaho be adopted?". An election thereupon shall be conducted, the vote

1 canvassed, and the result declared in the same manner as provided by law in respect to other  
 2 city elections. Immediately after, if such proposition be adopted, the county clerk ~~of said city~~  
 3 shall transmit a certified statement with the date on which such proposition was adopted: to the  
 4 governor; to the secretary of state; and to the county auditor of the county in which such city is  
 5 located.

6 Upon receipt of said statement, the governor shall thereupon by public proclamation de-  
 7 clare that such city shall cease to function under its previous organization, and shall henceforth  
 8 be governed by this ~~act~~ chapter, and the general laws of the state of Idaho.

9 SECTION 140. That Section 50-2308, Idaho Code, be, and the same is hereby amended  
 10 to read as follows:

11 50-2308. ELECTION OF OFFICERS. If a majority of the votes cast shall be in favor  
 12 of the city becoming organized under the general laws of the state of Idaho, the next general  
 13 city election succeeding the issuance of said proclamation by the governor shall in all respects  
 14 be conducted in the manner required for conducting elections in cities ~~as provided in sections~~  
 15 ~~50-401 through 50-422, and~~ under the general laws of the state of Idaho. The officers elected  
 16 at such election shall be the same as are provided in this ~~act~~ chapter, and the governing body  
 17 of the city, holding office at the time of issuance of such proclamation, shall have full power  
 18 to prescribe such rules and regulations not in conflict ~~with sections 50-401 through 50-422, and~~  
 19 with the general laws of the state for the holding of such election as may be necessary for  
 20 carrying into effect the provisions of sections 50-2301 through 50-2308, Idaho Code. ~~In all~~  
 21 ~~matters pertaining to such election, the officers of said city shall have the same powers, except~~  
 22 ~~as herein otherwise provided, as are conferred upon like officers of cities under this act, in the~~  
 23 ~~performance of like duties.~~

24 SECTION 141. That Section 63-316, Idaho Code, be, and the same is hereby amended to  
 25 read as follows:

26 63-316. ADJUSTMENT OF ASSESSED VALUE -- COMPLETION OF ASSESS-  
 27 MENT PROGRAM BY STATE TAX COMMISSION -- PAYMENT OF COSTS. (1) Whenever  
 28 the state tax commission, after a hearing, determines that any county assessor or the county  
 29 commissioners in assessing property in the county subject to taxation have failed to abide by,  
 30 adhere to and conform with the laws of the state of Idaho and the rules of the state tax commis-  
 31 sion in determining market value for assessment purposes, the state tax commission shall order  
 32 the county assessor and county commissioners of such county to make the necessary changes  
 33 or corrections in such assessments and if the county assessor and the county commissioners  
 34 refuse or neglect to comply with such order, the state tax commission is authorized to and shall  
 35 forthwith adjust or change the property roll in such county.

36 (2) In lieu of the hearings and actions permitted in subsection (1) of this section, the  
 37 state tax commission shall monitor each county's implementation of the continuing appraisal  
 38 required in section 63-314, Idaho Code, and may require each county to file such reports of  
 39 its progress at implementation of such continuing appraisals as the commission may find neces-  
 40 sary. In the event that the commission finds that any county is failing to meet the requirements  
 41 of section 63-314, Idaho Code, the commission may order that county's indexing or appraisal  
 42 or reappraisal programs be conducted under the exclusive and complete control of the state  
 43 tax commission and the results of such programs shall be binding upon the county officers of

the county for which ordered. Payments for the actual cost of such programs shall be made from the sales tax distribution created in section 63-3638, Idaho Code, and the amount of such payments shall be withheld from the payments otherwise made under the provisions of section 63-3638(910)(c) and (910)(d), Idaho Code, to the county for which indexing, appraisal or reappraisal has been ordered, and this subsection shall constitute the necessary appropriation to accomplish such payments, any other provision of law notwithstanding.

SECTION 142. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) Except as provided in subsection (3) of this section for tax year 1995, and each year thereafter, no taxing district shall certify a budget request for an amount of property tax revenues to finance an annual budget that exceeds the greater of:

(a) The dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, whichever is greater, plus the dollar amount of moneys received pursuant to section 63-3638(123), Idaho Code, for the past tax year, which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue that would have been generated by applying the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(101), Idaho Code, to any increase in market value subject to taxation resulting from new construction or change of land use classification as evidenced by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code; and by the value of annexation during the previous calendar year, as certified by the state tax commission for market values of operating property of public utilities and by the county assessor; or

(b) The dollar amount of property taxes certified for its annual budget during the last year in which a levy was made; or

(c) The dollar amount of the actual budget request, if the taxing district is newly created except as may be provided in subsection (1)(h) of this section; or

(d) In the case of school districts, the restriction imposed in section 33-802, Idaho Code; or

(e) In the case of a nonschool district for which less than the maximum allowable increase in the dollar amount of property taxes is certified for annual budget purposes in any one (1) year, such a district may, in any following year, recover the foregone increase by certifying, in addition to any increase otherwise allowed, an amount not to exceed one hundred percent (100%) of the increase originally foregone. Said additional amount shall be included in future calculations for increases as allowed; or

(f) In the case of cities, if the immediately preceding year's levy subject to the limitation provided by this section, is less than 0.004, the city may increase its budget by an amount not to exceed the difference between 0.004 and actual prior year's levy multiplied by the prior year's market value for assessment purposes. The additional amount must be approved by sixty percent (60%) of the voters voting on the question at an election called for that purpose and held on the date in May or November provided by law, and may be included in the annual budget of the city for purposes of this section; or

(g) A taxing district may submit to the electors within the district the question of whether the budget from property tax revenues may be increased beyond the amount authorized in this section, but not beyond the levy authorized by statute. The additional amount must be approved by sixty-six and two-thirds percent (66 2/3%) or more of the voters voting on the question at an election called for that purpose and held on the May or November dates provided by section 34-106, Idaho Code. If approved by the required minimum sixty-six and two-thirds percent (66 2/3%) of the voters voting at the election, the new budget amount shall be the base budget for the purposes of this section; or

(h) When a nonschool district consolidates with another nonschool district or dissolves and a new district performing similar governmental functions as the dissolved district forms with the same boundaries within three (3) years, the maximum amount of a budget of the district from property tax revenues shall not be greater than the sum of the amounts that would have been authorized by this section for the district itself or for the districts that were consolidated or dissolved and incorporated into a new district; or

(i) In the instance or case of cooperative service agencies, the restrictions imposed in sections 33-315 through 33-318, Idaho Code.

(2) In the case of fire districts, during the year immediately following the election of a public utility or public utilities to consent to be provided fire protection pursuant to section 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection (1) of this section may be increased by an amount equal to the current year's taxable value of the consenting public utility or public utilities multiplied by that portion of the prior year's levy subject to the limitation provided by subsection (1) of this section.

(3) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for annual budget purposes which exceeds the limitation imposed in subsection (1) of this section, unless authority to exceed such limitation has been approved by a majority of the taxing district's electors voting on the question at an election called for that purpose and held pursuant to section 34-106, Idaho Code, provided however, that such voter approval shall be for a period of not to exceed two (2) years.

(4) The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources, and does not include revenue from levies that are voter approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property subject to the occupancy tax pursuant to section 63-317, Idaho Code, for the preceding tax year.

SECTION 143. That Section 63-802C, Idaho Code, be, and the same is hereby amended to read as follows:

63-802C. ELECTION TO CREATE A NEW TAXING DISTRICT. (1) In the case of an election to create a new taxing district, the county clerk, of the county or counties where the proposed taxing district is proposed to be located, shall mail a notice of the election to all residences within the proposed taxing district or to residents in the proposed taxing district who are eligible to vote in this election. The notice shall be mailed not less than fourteen (14) calendar days prior to the day of the election and shall state with specificity: the purpose of the election, the date of the election, which shall be on a date authorized in section 34-106, Idaho Code, the polling places, the time the polls will be open, the aggregate amount of taxes

that will be raised in the proposed taxing district if the election is successful and the increase that will occur per one hundred thousand dollars (\$100,000) of taxable value of property, above any exemptions, of residential property, commercial property, industrial property, land actively devoted to agriculture and operating property.

(2) The county clerk ~~may bill the proposed taxing district for reimbursement of costs of administering~~ shall, within ten (10) days after the filing of the petition to create the new taxing district, estimate the cost of advertising and holding the election provided in this section and notify in writing the person or any of the persons filing the petition as to the amount of the estimate. The person or persons shall within twenty (20) days after receipt of the written notice deposit the estimated amount with the county clerk in cash, or the petition shall be deemed withdrawn. If the deposit is made and the proposed new taxing district is formed, the person or persons so depositing the sum shall be reimbursed from the first moneys collected by the county from the taxes authorized to be levied by this section.

(3) Compliance with this section shall satisfy any notice or publication requirement as may be provided by law.

SECTION 144. That Section 63-1309, Idaho Code, be, and the same is hereby amended to read as follows:

63-1309. SPECIAL TAXING DISTRICT OR BOND PROPOSAL DEFEATED IN ELECTION BARS SUBSEQUENT ELECTIONS FOR SPECIFIED TIME -- EXCEPTION -- BOARD OF EDUCATION MAY CONDUCT ELECTION -- MUNICIPALITIES, WATER OR SEWER DISTRICTS MAY CONDUCT BOND ELECTION. If any election has been held for the formation of any special taxing district, or for the approval of any bond issue or other proposal which would have resulted in a property tax levy, and the proposal submitted at such election was defeated, no subsequent election shall be held within ~~six~~ five (65) months from and after the date of such prior election for the same or a similar purpose in any district which includes any part of the area which was affected by the prior election. In the event any school building is destroyed or rendered unusable for school purposes by reason of fire, flood or other catastrophe, and a school bond election for the purpose of the replacement of such building is prohibited by the provisions of this section or by the provisions of section 34-106, Idaho Code, the state board of education shall have the power to authorize an election for such purpose by order based upon a finding of such facts. The provisions of this section shall not apply to school elections held solely for determining property tax levies for general school purposes not involving the issuance of bonds. This time requirement between elections shall not apply to municipalities or water and/or sewer districts when bond issues are being proposed for the installation or improvement of water supply systems or public sewerage systems which have been deemed necessary by the Idaho state board of health and welfare to bring such system or systems in conformance with state statutes or rules of the state board of health and welfare.

SECTION 145. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203 and 63-3709, Idaho Code, shall be distributed by the tax commission as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(2) Five million dollars (\$5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.

(3) Four million eight hundred thousand dollars (\$4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control account established by section 39-360528, Idaho Code.

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund, established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts which the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) For fiscal year 2011, and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts, and one million nine hundred thousand dollars (\$1,900,000) of which shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012, and for each fiscal year thereafter, the amount distributed pursuant to this subsection (8), shall be adjusted annually by the tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection (8), be less than four million one hundred thousand dollars (\$4,100,000). Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection (8). All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes, and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue sharing account which is created in the state treasury, and the moneys

in the revenue sharing account will be paid in installments each calendar quarter by the tax commission as follows:

(a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various cities as follows:

(i) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the population of that city bears to the population of all cities within the state; and

(ii) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the preceding year's market value for assessment purposes for that city bears to the preceding year's market value for assessment purposes for all cities within the state.

(b) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various counties as follows:

(i) One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and

(ii) The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state;

(c) Thirty-five and nine-tenths percent (35.9%) of the amount appropriated in this subsection (~~910~~) shall be paid to the several counties for distribution to the cities and counties as follows:

(i) Each city and county which received a payment under the provisions of section 63-3638(e), Idaho Code, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (~~910~~)(c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each city's and county's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (~~910~~)(c) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each city and county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.

(iv) If the dollar amount of money available under this subsection (~~910~~)(c) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid fifty percent (50%) to the various cities in the proportion that the population of the city bears to the population of all cities within the state, and fifty percent (50%) to the various counties in the proportion that the population of a county bears to the population of the state; and

(d) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection (~~910~~) shall be paid to the several counties for distribution to special purpose taxing districts as follows:

(i) Each such district which received a payment under the provisions of section 63-3638(e), Idaho Code, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.



(ii) If the dollar amount of money available under this subsection (~~910~~)(d) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (~~910~~)(d) in any quarter exceeds the amount distributed under paragraph (i) of this subsection (~~910~~)(d), each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered foregone amounts as determined under section 63-802(1)(e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts which were received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection (~~910~~)(d).

(vii) For purposes of this subsection (~~910~~)(d), a special purpose taxing district is any taxing district which is not a city, a county or a school district.

(~~101~~) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts which were received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not

entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(1~~2~~2) Amounts necessary to pay refunds as provided in subsection (3) of section 63-3641, Idaho Code, to a developer of a retail commercial complex whose stores sell tangible personal property or taxable services subject to the sales and use tax up to an aggregate total of thirty-five million dollars (\$35,000,000) per project shall be remitted to the demonstration pilot project fund created in subsection (3) of section 63-3641, Idaho Code, and shall be specific to and accounted for by each project.

(1~~2~~3) Amounts calculated in accordance with subsection (4) of section 63-602KK, Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to subsection (1) of section 63-602KK, Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year.

(1~~3~~4) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.

SECTION 146. That Section 63-3641, Idaho Code, be, and the same is hereby amended to read as follows:

63-3641. TANGIBLE PERSONAL PROPERTY SOLD BY CERTAIN RETAILERS. (1) A developer of a retail commercial complex whose stores sell tangible personal property or taxable services and collected sales or use tax from customers at the location of the developer's retail commercial complex may qualify for a rebate of taxes paid on such purchases, but only if the developer of a retail commercial complex whose stores sell tangible personal property or taxable services has built a complex in Idaho that is of a minimum cost as provided in subsection (2) of this section and has incurred costs in excess of eight million dollars (\$8,000,000) for the installation of an interchange from an interstate highway or a highway enumerated in section 40-201, Idaho Code, by the Idaho transportation department or a political subdivision or a contractor of the transportation department or political subdivision and/or freeway interchange improvements on land owned by the state of Idaho or a political subdivision and/or auxiliary lanes necessitated by the design and construction of interchanges.

(2) To qualify for the rebate, the developer of a retail commercial complex whose stores sell tangible personal property or taxable services shall have those stores collect sales and use taxes on sales of tangible personal property or taxable services from the retail commercial complex. Any improvement or alteration to a public highway must be bonded in accordance with the public contracts bond act in chapter 19, title 54, Idaho Code. Once the developer of a retail commercial complex whose stores sell tangible personal property or taxable services certifies that the retail commercial complex has cost a minimum of four million dollars (\$4,000,000) and the developer of a retail commercial complex whose stores sell tangible personal property or

taxable services has expended in excess of eight million dollars (\$8,000,000) for the installation of an interchange and/or related interchange improvements from an interstate highway by the Idaho transportation department or a political subdivision or a contractor of the transportation department or political subdivision and/or freeway interchange improvements, the developer may file with the state tax commission a refund request of sixty percent (60%) of the sales and use taxes collected for the sale of tangible personal property or taxable services from stores in the retail commercial complex. The refund request shall state that the developer of a retail commercial complex whose stores sell tangible personal property or taxable services has constructed a retail facility that meets the minimum expenditure requirements and also meets the minimum expenditure requirements for an interchange and/or related freeway interchange improvements and/or highway improvements to be eligible for the rebate, and that the developer is entitled to receive a rebate of sixty percent (60%) of all sales and use taxes collected by the stores in the retail commercial complex that qualifies for the rebate created by this section. The state tax commission may require that sufficient documentation be provided by the developer of a retail commercial complex whose stores sell tangible personal property or taxable services regarding expenditures and shall require an attestation from the Idaho transportation department or a political subdivision that the minimum requirements of this section have been met. The transportation department or the political subdivision shall verify to the state tax commission the amount of expenditures the developer has expended on the interchange and/or related freeway interchange improvements and/or highway improvements.

(3) Upon filing of a written refund claim by the developer of a retail commercial complex whose stores sell tangible personal property or taxable services entitled to the rebate, and subject to such reasonable documentation and verification as the state tax commission may require, the rebate shall be paid by the state tax commission from the demonstration pilot project fund, which is hereby created in the state treasury, in a timely manner not to exceed sixty (60) calendar days after receipt as funds are available. To qualify for the rebate, stores in an eligible complex shall report their sales to the state tax commission separately from other stores they own in the state. Nothing in this section shall be deemed to hold the state of Idaho or any political subdivision liable for any and all liens filed on a project subject to rebate pursuant to this section. All sales and use tax information remitted by retailers shall be deemed a trade secret, shall be confidential and shall not be disclosed by the state tax commission. A developer of a retail commercial complex whose stores sell tangible personal property or taxable services must submit a claim for refund pursuant to this section within two (2) years of the developer's last expenditure on the interchange and/or related freeway interchange improvements and/or highway improvements. No interest shall be paid by the state on moneys refunded and all moneys refunded shall be paid from the sales tax account pursuant to subsection (1+2) of section 63-3638, Idaho Code, and shall be limited to a total aggregate of thirty-five million dollars (\$35,000,000) or lesser amount if that is what was expended.

(4) Once the developer of a retail commercial complex whose stores sell tangible personal property or taxable services has recouped its costs of funding the interchange and/or related freeway interchange improvements and/or highway improvements and/or related transportation infrastructure, the developer shall be ineligible to receive the rebate pursuant to this section.

(5) As used in this section:

(a) "Development of a retail commercial complex whose stores sell tangible personal property or taxable services" includes all buildings, the parking lot, sidewalks and all

accessory equipment including, but not limited to, lighting and traffic signs. Retail stores in the retail commercial complex shall sell tangible personal property or taxable services that are subject to the sales and use tax.

(b) "Freeway interchange improvements" includes on and off ramps, overpass and underpass improvements and signalization to facilitate the effective access from the interstate highway system.

(c) "Highway improvements" shall be improvements or upgrades to highways enumerated in section 40-201, Idaho Code.

SECTION 147. That Section 63-4103, Idaho Code, be, and the same is hereby amended to read as follows:

63-4103. PETITIONS FOR DISSOLUTION OF SPECIAL DISTRICTS. Proceedings for the dissolution of a special district may be initiated by a petition containing the signatures of qualified electors of the district or owners of property within the district equal in number to twenty-five percent (25%) of the largest number of persons who voted for any director in the last election of directors or if no election has been held within two (2) years then a petition may be initiated by twenty-five (25) or more qualified electors or property owners of the district.

The petition, when completed and verified, shall be filed with the clerk of ~~the court of~~ the county or counties if more than one (1) county is involved. The county ~~commissioners~~ clerk shall publish notice and the county commissioners shall hold a hearing on the matter. If necessary, they shall hold an election, subject to the provisions of section 34-106, Idaho Code, on the matter. The hearing and election shall be held in accordance with the terms and provisions of ~~sections 40-1801 through 40-1809, and~~ chapter 14, title 34, Idaho Code.

SECTION 148. That Section 67-4907, Idaho Code, be, and the same is hereby amended to read as follows:

67-4907. HEARINGS ON PETITIONS -- ELECTION FOR ORGANIZATION AND OFFICERS. On the day fixed for such hearing or at an adjournment thereof the court shall, if the petition proposes a property tax, ascertain from the tax rolls of the county or counties in which the district is located or into which it extends, the total number of taxpayers within the proposed district, who pay a general tax on real property owned by him or her within the district.

If the court finds that no petition has been signed and presented in conformity with this chapter, or that the material facts are not as set forth in the petition filed, it shall dismiss said proceedings and adjudge the costs against the signers of the petition in such proportion as it shall deem just and equitable. No appeal or writ of error shall lie from an order dismissing said proceedings; but nothing herein shall be construed to prevent the filing of a subsequent petition or petitions for similar improvements or for a similar district, and the right so to renew such proceedings is hereby expressly granted and authorized.

Any time after the filing of the petition for the organization of a district and before the day fixed for the hearing thereon, the owner or owners of any real property within the proposed district may file a petition with the district court stating reasons why said property should not be included therein, why his land or any part thereof will not be benefited directly or indirectly by the proposed district, or should not be embraced in said district and made liable to taxation therefor, and praying that said property be excluded therefrom. Such petition shall be duly ver-

ified and shall describe the property sought to be excluded. The court shall conduct a hearing on said petition and shall hear all objections to the inclusion in the district of any lands described in said petition. In case any owner of real estate included in said proposed district shall satisfy the court that his real estate, or any part thereof, has been wrongfully included therein or will not be benefited thereby then the court shall exclude such real estate as will not be benefited.

Upon said hearing, if it shall appear that a petition for the organization of a district has been signed and presented as hereinabove provided, in conformity with this chapter, and that the allegations of the petition are true, the court shall, by order duly entered of record, direct that the question of the organization of the district shall be submitted to the qualified electors of the district at an election to be held, subject to the provisions of section 34-106, Idaho Code, for that purpose, and such order shall direct the county clerk to appoint three (3) qualified electors of the district as judges of said election officials of the election. The county clerk of the ~~court~~ county having jurisdiction shall give published notice of the time and place of an election to be held in the district.

Such election shall be held and conducted in ~~the same manner as general elections in this state~~ accordance with the provisions of title 34, Idaho Code.

At any time after the filing of the petition herein referred to and before the day fixed for hearing, nominees for the board of directors of the district may be nominated by the filing of a petition designating the name or names of the nominee or nominees, signed by at least five (5) qualified electors of the district. If upon the hearing as herein provided the court shall order an election for the creation of the district, the court shall also ascertain the names of persons nominated by the board of directors, and shall order that the names of persons whom the court finds to have been properly nominated shall be listed upon a ballot submitted to the electors at such election. In the event the court makes its order providing for such election, it shall prescribe the form of the question and ballot relating to the election of the directors, provided that all matters may be contained upon one (1) ballot to be submitted to the voters.

At such election the voters shall vote for or against the organization of the district, and for five (5) qualified electors, who shall constitute the board of directors of the district, if organized, one (1) director to act until the first biennial election, two (2) until the second, and two (2) until the third biennial election.

The ~~judges of election~~ county board of canvassers shall certify the returns of the election to the district court having jurisdiction. If a majority of the votes cast at said election are in favor of the organization, the district court shall declare the district organized and give it a corporate name by which, in all proceedings, it shall thereafter be known, and designated the first board of directors elected, and thereupon the district shall be a governmental subdivision of the state of Idaho and a body corporate with all the powers of a public or quasi-municipal corporation except that districts formed prior to January 1, 1987, or districts with twenty-five thousand (25,000) or more population shall have no power to levy and collect property taxes.

If an order be entered establishing the district, such order shall be deemed final and no appeal or writ of error shall lie therefrom, and the entry of such order shall finally and conclusively establish the regular organization of the said district against all persons except the state of Idaho, in an action in the nature of a writ of quo warranto, commenced by the attorney general within thirty (30) days after said decree declaring such district organized as herein provided, and not otherwise. The organization of said district shall not be directly or collaterally questioned in any suit, action or proceeding except as herein expressly authorized.

1 SECTION 149. That Section 67-4911, Idaho Code, be, and the same is hereby amended  
2 to read as follows:

3 67-4911. ELECTIONS -- TERMS OF OFFICE. On an election date as provided for in  
4 section 34-106(1), Idaho Code, in November of the ~~second calendar~~ first odd-numbered year  
5 after the organization of any district, and every second year thereafter, an election shall be held,  
6 which shall be known as the biennial election of the district.

7 At the first biennial election in any district hereafter organized, and each sixth year there-  
8 after, there shall be elected by the qualified electors of the district, one (1) member of the board  
9 to serve for a term of six (6) years; at the second biennial election and each sixth year there-  
10 after, there shall be elected two (2) members of the board to serve for terms of six (6) years,  
11 and at the third biennial election, and each sixth year thereafter, there shall be elected two (2)  
12 members of the board to serve for terms of six (6) years. Provided, a member of the board  
13 once in office shall serve until his successor is elected, qualified and takes office.

14 Not later than 5:00 p.m. on the sixth Friday before any such election, nominations may  
15 be filed with the secretary of the board and if a nominee does not withdraw his name before  
16 the first publication of the notice of election, his name shall be placed on the ballot. The ~~board~~  
17 county clerk shall provide for holding such election and shall appoint judges to conduct it. The  
18 ~~secretary of the district~~ county clerk shall give notice of election by publication, and shall ar-  
19 range such other details in connection therewith ~~as the board may direct~~. Adequate polling  
20 places shall be provided throughout the district boundaries for all elections. The returns of the  
21 election shall be certified to and shall be canvassed and declared by the board of county com-  
22 missioners which shall report the results to the district. The candidate or candidates, according  
23 to the number of directors to be elected, receiving the most votes, shall be elected. Any new  
24 member of the board shall qualify in the same manner as members of the first board qualify.

25 In any election for director, if after the deadline for filing a declaration of intent as a  
26 write-in candidate, it appears that the number of qualified candidates who have been nominated  
27 is equal to the number of directors to be elected, it shall not be necessary for the candidates to  
28 stand for election, and the board shall declare such candidates elected as directors, and the sec-  
29 retary of the board shall immediately make and deliver to such persons certificates of election  
30 signed by him and bearing the seal of the district.

31 SECTION 150. That Section 67-4922, Idaho Code, be, and the same is hereby amended  
32 to read as follows:

33 67-4922. SUBMISSION OF PROPOSITION TO ELECTORATE. Whenever any board  
34 authorized to levy and collect ~~ad-valorem~~ property taxes shall, by resolution, determine that the  
35 interest of said district and the public interest or necessity demand the acquisition, construction,  
36 installation or completion of any works or other improvements or facilities, or the making of  
37 any contract with the United States or other persons or corporations, public or private, mu-  
38 nicipalities, or governmental subdivisions, to carry out the objects or purposes of said district,  
39 requiring the creation of an indebtedness of seventy-five thousand dollars (\$75,000) or more,  
40 and in any event when the indebtedness will exceed the income and revenue provided for the  
41 year, said board shall order the submission of the proposition of issuing such obligations or  
42 bonds, or creating other indebtedness to the qualified electors of the district at an election held  
43 for that purpose. The declaration of public interest or necessity herein required and the pro-  
44 vision for the holding of such election may be included within one and the same resolution,

which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolution shall also fix the date upon which such election shall be held, subject to the provisions of section 34-106, Idaho Code, and the manner of holding the same in accordance with the provisions of title 34, Idaho Code, and the method of voting for or against the incurring of the proposed indebtedness. Such resolution shall ~~also fix the compensation to be paid the officers of the election and shall~~ direct the county clerk to designate the polling place or places, and shall appoint, for each polling place from the electors of the district, the officers of such election, consisting of three (3) judges of each polling place, one (1) of whom shall act as clerk.

SECTION 151. That Section 67-4923, Idaho Code, be, and the same is hereby amended to read as follows:

67-4923. NOTICE OF ELECTION. The board of a district authorized to levy and collect ~~ad valorem property~~ taxes shall prescribe the form of the notice of election, and direct the publication of the same, the first publication of said notice to be ~~not less than twelve (12) days prior to the election and the second notice shall be not less than five (5) days prior to the election~~ as prescribed in chapter 14, title 34, Idaho Code.

SECTION 152. That Section 67-4924, Idaho Code, be, and the same is hereby amended to read as follows:

67-4924. CONDUCT OF ELECTION -- CANVASS OF RETURNS. The ~~election board or boards of a district authorized to levy and collect ad valorem taxes~~ county clerk shall conduct the election in the manner prescribed by ~~law for the holding of general elections, including the provisions of chapter 14, title 34, Idaho Code, and shall make their returns to the secretary of the district. At any regular or special meeting of the board held within ten (10) days following the date of such election,~~ the returns thereof shall be canvassed and the results thereof ~~declared~~ certified by the county clerk who shall report the results to the district.

SECTION 153. That Section 67-4929, Idaho Code, be, and the same is hereby amended to read as follows:

67-4929. INCLUSION OR EXCLUSION -- ELECTION PROCEDURE. Whenever under the provisions of sections 67-4918 and 67-4919, Idaho Code, owners or owners in fee of any real property have petitioned for inclusion or exclusion of property within the district, and the petition has been denied, the petitioners shall be entitled to an election as provided in this section:

(a) A petition may be filed with the county commissioners and shall be signed by not less than eighty ~~per cent~~ percent (80%) of the qualified electors resident within the boundaries of the area proposed to be included or excluded.

(b) Within thirty (30) days after the filing of such petition, the county commissioners shall determine whether or not the same substantially complies with the requirements of this section. If the county commissioners find that there has not been substantial compliance with

such requirements, they shall enter an order to that effect specifying the particular deficiencies and dismissing the petition. If the county commissioners find that there has been substantial compliance with such requirements, the county commissioners shall forthwith enter an order to the effect that the question of the inclusion or exclusion of property within the district be placed on the ballot at the next county general election.

(c) If the county commissioners order a question to be placed on the ballot as provided in this section, such election shall be conducted and notice thereof given ~~as nearly as practicable in accordance with the manner of general elections in this state~~ by the county clerk in accordance with the provisions of title 34, Idaho Code.

(d) Immediately after such election, the ~~judges at such election shall forward the ballots and results of such election to the clerk.~~ The county commissioners shall canvass the vote ~~within ten (10) days after such election~~ as provided in chapter 12, title 34, Idaho Code. If one-half (1/2) or more of the votes cast at such election within the district are in favor of allowing the inclusion or exclusion, the county commissioners shall enter an order so finding and declaring that the boundaries of such district are revised as provided by the election. The county commissioners shall cause one (1) certified copy of such order to be filed in the office of the county recorder of such county. Immediately upon the entry of such order, the change in boundaries so ordered shall be complete.

(e) After such election, the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number or qualifications of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the inclusion or exclusion of such property after six (6) months has expired from the date of entering the order declaring the change in boundaries of such district.

(f) The provisions of section 67-4920, Idaho Code, relating to liability for indebtedness of included or excluded property of a district authorized to levy and collect ~~ad valorem~~ property taxes shall apply to property included or excluded as provided in this section.

SECTION 154. That Section 67-4930, Idaho Code, be, and the same is hereby amended to read as follows:

67-4930. DISSOLUTION OF DISTRICT -- PROCEDURE. An auditorium district may be dissolved as follows:

(a) Any person or persons may file a petition for the dissolution of an auditorium district with the clerk. Such petition which may be in one (1) or more papers, shall state the name of the district and shall be signed by not less than three thousand (3,000) qualified electors resident within the boundaries of the district.

(b) Within thirty (30) days after the filing of such petition, the county commissioners shall determine whether or not the same substantially complies with the requirements of this section. If the county commissioners find that there has not been substantial compliance with such requirements, they shall enter an order to that effect specifying the particular deficiencies and dismissing the petition. If the county commissioners find that there has been substantial compliance with such requirements, the county commissioners shall forthwith enter an order to that effect and calling an election upon the dissolution of such district to be held at the same time as the next county general election, as provided in this section.

(c) If the county commissioners order an election as provided in this section, such election shall be conducted and notice thereof given ~~as nearly as practicable in accordance with the~~



~~manner of general elections in this state~~ by the county clerk in accordance with the provisions of title 34, Idaho Code.

(d) Immediately after such election, the ~~judges at such election shall forward the ballots and results of such election to the clerk.~~ The county commissioners shall canvass the vote ~~within ten (10) days after such election as provided in chapter 12, title 34, Idaho Code.~~ If one-half (1/2) or more of the votes cast at such election are against the dissolution of such district, the county commissioners shall enter an order so finding and declaring that such district shall not be dissolved. If more than one-half (1/2) of the votes cast at such election are in favor of dissolving such district, the county commissioners shall enter an order so finding and declaring such district duly dissolved. The county commissioners shall cause one (1) certified copy of such order to be filed in the office of the county recorder of such county. Immediately upon the entry of such order, the dissolution of such district shall be complete.

(e) Upon such dissolution being complete, title ~~of~~ to all property of the dissolved district shall vest in the county where such property is situated. The county commissioners shall then: sell and dispose thereof in the manner provided by law for the sale or disposition of county property; apply the proceeds thereof to pay any lawful claims against the dissolved district, if any; and apply the balance remaining, if any, to any public purpose within the county.

(f) When the boundaries of the district lie in two (2) or more counties, the county commissioners of each county shall act separately in the election and dissolution of that part of the district contained in their county but the county commissioners of each such county shall meet together before calling such election and provide for uniform proceedings in each county. If there is any balance remaining after sale and disposition of the property of such dissolved district, it shall be prorated among such counties in proportion to each county's share of the total assessed valuation of such dissolved district for the preceding calendar year.

(g) After such election, the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number or qualifications of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the dissolution of such district after six (6) months has expired from the date of entering the order declaring the dissolution of such district.

SECTION 155. That Section 70-1210, Idaho Code, be, and the same is hereby amended to read as follows:

70-1210. ELECTION PROCEDURE -- SUPPLIES. Such general election shall be conducted ~~in the same manner as, and under the laws relating to, the conduct of general county elections including~~ by the county clerk according to the provisions of chapter 14, title 34, Idaho Code. ~~The port commission may, with the consent of the county commissioners, elect to use, with the county, joint election supplies such as tally books, joint ballots, election stamps and the like or so much thereof as the commission may determine.~~

SECTION 156. That Section 70-1215, Idaho Code, be, and the same is hereby amended to read as follows:

70-1215. ADDITIONAL ELECTIONS. Additional elections within any port district may be held at such times and for the submission of such propositions or proposals as the port commission may by resolution prescribe, subject to the limitations provided in section 34-106,

1 Idaho Code. Such elections shall be conducted by the county clerk in accordance with the  
2 general election laws of the state, including chapter 14, title 34, Idaho Code.

3 SECTION 157. That Section 70-1217, Idaho Code, be, and the same is hereby amended  
4 to read as follows:

5 70-1217. ADDITIONAL ELECTIONS -- POLLING PLACES. For such additional  
6 elections, there shall be not less than one (1) polling place within each port commissioner  
7 district. It shall be the duty of the ~~port~~ county commissioners at least twenty (20) days before  
8 all special elections, to designate by resolution the polling places for such special election, and  
9 ~~to the county clerk shall~~ appoint ~~three (3)~~ election officials for each polling place.

10 SECTION 158. That Section 70-1219, Idaho Code, be, and the same is hereby amended  
11 to read as follows:

12 70-1219. ELECTIONS -- CANVASS OF VOTE. The returns of all port district elec-  
13 tions, ~~except formation and annexation elections,~~ shall be canvassed by the ~~port commission,~~  
14 ~~which~~ county commissioners, who shall meet within fifteen (15) days following such selection  
15 and proceed to canvass the same in accordance with the provisions of chapter 12, title 34, Idaho  
16 Code, and shall thereupon declare the results.

17 SECTION 159. That Section 70-1220, Idaho Code, be, and the same is hereby amended  
18 to read as follows:

19 70-1220. ELECTIONS -- EXPENSES. All expenses of elections for the formation of  
20 a port district and annexations thereto, and any other port district elections, shall be paid by  
21 the county or counties holding such election, and such expenditure is hereby declared to be for  
22 a county purpose. ~~The port district shall bear the expenses, or the proportional share of the~~  
23 ~~expense, if held in conjunction with other elections, of all other port district elections.~~

24 SECTION 160. The provisions of this act are hereby declared to be severable and if  
25 any provision of this act or the application of such provision to any person or circumstance is  
26 declared invalid for any reason, such declaration shall not affect the validity of the remaining  
27 portions of this act.

28 SECTION 161. Section 1 of this act shall be in full force and effect on and after July  
29 1, 2009. Section 145 of this act shall be in full force and effect on and after January 1, 2010.  
30 Sections 2 through 144 and Sections 146 through 160 of this act shall be in full force and effect  
31 on and after January 1, 2011. The Secretary of State and the Idaho Association of Counties  
32 shall concurrently submit a report to the Legislature of the actual costs incurred in operating the  
33 elections for calendar years 2011 and 2012, by March 1, 2013.